

Dr. SHERLOCK's
CASE
OF
ALLEGIANCE
CONSIDERED.
WITH SOME
REMARKS
UPON HIS
Vindication.

L O N D O N,
Printed in the Year MDCXCI.

DE SMERLOCK

THE
EVIDENCE

CONSIDERED

WITH SOME

REMARKS

UPON THE

AMERICAN

LONDON

Printed by J. M. L. & Co.

T O T H E
R E A D E R.

TH E R E has been lately, as I am informed, several considerable Treatises published against Dr. *Sherlock's Case of Allegiance*; and though I have perused none of these Answers, excepting the Author of the *Postscript*; yet, from the general Reputation they have gained, I have reason to conclude, they are likely to give the Reader satisfaction, and the Dr. Diversion enough, if he intends a Reply. So that had not the following Papers been almost finished before I understood there were so many Pens drawn upon him, I think I had neither put my self, nor any body else, to any Trouble upon this Subject. However, since the Dr. has hung out the Flag of Defiance, sent us a general Challenge, and seems desirous to charge a whole Party, he of all Men has no reason to be disobliged, for being attacked from all Quarters. Indeed, this Circumstance, besides its compliance with his Inclinations, must do him a Kindness, let things happen how they will: For, if he is obliged to quit the Field, it affords him the Excuse of being Oppressed

A

with

with Numbers. If he succeeds, the Forces of the Enemy must add to the Glory of his Triumph.

Pref. I shall apply my self to the Consideration of the Body of his Book, without making any large Animadversions upon his Preface; his Business in these preliminary Pages being not to argue upon the Controversie, but only to report Matters of Fact with reference to his late Behaviour, and to draw up an History of his Integrity. Which Design of the Dr's, how necessary soever it might be to undertake, is, in my Opinion, but oddly pursued: For, he has shewn an open Partiality in his Conduct before his Compliance, and made large Steps towards the Revolution, when he was convinced of its being the wrong side. He calls it *Faction* to appear with Heartiness and Concern in Defence of the Old Oaths, though we believe them to remain in full Force. He *prayed* in the Royal Stile for the *present Possessors*, as early (one Week excepted) as the most forward. He gives hard Language to those of the Church of *England*, who absent themselves from the publick Communion since the Late Alterations in the *Service*, which, in their Judgments, are both sinful in the Matter, and defective in the Authority. He seems solicitous, lest the Rightful Government should Recover, and declares, his *Inclinations* were engaged against it. *'Tis true, he prayed heartily to God, that if he was in a Mistake, he might discover it, and comply: But he doth not tell us he spent any of his Devotions the other way. He does not say, that he prayed for Constancy and Perseverance, provided he was already in the right: That he desired the Divine Assistance, to stand firm against Interest, and Noise, and Numbers,*
and

Id. p. 3.

and be neither bribed nor frightned out of his Duty.

Now, to act in this manner is a much more difficult Performance than the other; and therefore the Preparatory Dispositions ought to be begg'd of God Almighty with the greater Earnestness. A little *praying* is sufficient to incline a man to consult his Ease, and preserve his *Fortune*, but to hazard or part with them both, is a Piece of Discipline very unacceptable to *Flesh* and *Blood*, and requires a more than ordinary degree of Courage and Resignation to undergo it. These things considered, the Dr. had reason to call the Reader his *Confessor*, for I am much mistaken, if he has not frankly discovered his Failings to him. However, the Dr. assures us, *he has received that Satisfaction he desired*. Which is not unlikely; but whether it was the Return of his *Prayers*, or not, will be best understood by examining his Principles. Pref. p. 5. P. 3.

I have nothing farther to add by way of Introduction, but only to desire it may be observed, That the Dr. all along supposes the *Revolution unjust and illegal*, and argues upon a Case of Usurpation. And therefore, if the Reader meets with any unexpected Freedoms in this Discourse, he may please to charge it upon the Nature of the Dispute, and thank the Dr. for giving the Occasion. Pref. p. 6.

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ERRATA

ERRATA.

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ERRATA

Dr. SHERLOCK's

CASE

OF

ALLEGIANCE

Considered, &c.

That we may not be surprized with the Doctors Novel-
ties, he very frankly at first acquaints us what we are
to expect from him. He makes no Scruple to aver,
That the intermixing the Dispute of Rights with the Duty of Alleg. p. 1.
Obedience, or making the Legal Rights of Princes the only Foundation of
Allegiance, is that which has perplexed the Controversy. His Reason
is, *because Allegiance can only be paid to Government,* (he means
Force) and therefore it can be due to no other Title. From
whence it's plain, That Illegal Violence is preferable to Legal
Right, i. e. a Man ought not to pay his Debts to his Creditor, but
to attorn to the next Highway-Man he meets. I wonder the
Doctor, who seems so much concerned for *Good Manners,* should *Pag. 17.*
set the Constitution aside with so little Ceremony. For if Legal
Right must always give place to Unjust Power, the Priviledges of
Law signifie nothing, except they could make a Man invincible,
which I fear is a Task somewhat difficult. If you enquire why
the Author has such a mean Opinion of Right, he'll tell you,
Because all Arguments from this Ground serve only to confound the *Pag. 2.*
Cause, and the Conscience, and to lead Men into dark Labyrinths of
Law and History.

First, As for *History*, in an Hereditary Kingdom it's no doubt a difficult Point to find out the Royal Family. To distinguish a King's Son from his Daughter, and the Next in Blood from *Jack Cade*, or *Wat Tyler*. And at this rate, except matters of Fact clear up, if we pretend but to know our Right hand from our Left, we may be *carried into a Labyrinth*. And,

Secondly, As for the *Laws*, they are as dark, it seems, as if the Parliaments met only to propound Riddles, and proclaim unintelligible Jargon to the Nation. And if the Case stands thus, those Gentlemen who have endeavoured to justify the *Legality* of the present Establishment, were certainly out in the management of the Dispute. For if Right and Wrong are not distinguishable; if Good and Evil are of the same Colour; if it's unsafe to make any Enquiries into such Niceties as these, for fear of wilding our Understandings; then I confess all Revolutions are alike to us, and ought to be complied with. However the Doctor might have been a little kinder to his own Party, who no doubt did their best, and not have told the World that they engaged in an unnecessary Argument, which it was both *unsafe to dispute*, and *impossible to manage to satisfaction*; and that their Performances, *how well soever means, have served only to confound the Cause*. I perceive if the Doctor had not gone in to their Relief, all had been lost; and therefore he is resolved to make them sensible of his Assistance, and not to allow them the least share in the glorious Defence of the Revolution. But if they are contented with this Character, I have no more to say. To return to the *Laws*, which the Doctor avoids as so many Rocks and Shelves in Dispute, fit only to wrack Conscience upon. Now this Character, as its far from a Complement to the *English Constitution*; so its somewhat surprizing to one who remembers that this Gentleman has formerly been of another mind. In his *Case of Resistance*, he does not complain that the *Laws* which settle the Rights of the Crown were so mysterious, and hard to be understood; (and yet this is not that one Principle which he says he has only renounced in that Book) There he asserts the *Prerogative*, and maintains *Non-resistance* from the Constitution, as well as from any other Topick.

I wonder he should lose his *Law*, after almost seven Years improvement of *Study and Conversation*. After all, the Doctor owns that the *Laws*, setting aside their Obscurity, are good things; and were

Page 1, 2.

Case of Resist.
Page 107, 111,
191, 196.

were they easily understood, he would willingly cast the Cause upon this Issue; If we could readily find where the Seat of Government is fixed; who is our King, and what are the great Lines of Prerogative and Subjection; If we could attain to this perfect Skill in the Government, he plainly intimates, *That the Law would then be a clear and safe Rule of Conscience.* From whence it follows, That where the Laws speak out, there is no need to recur to Events and Providence: For where-ever the Constitution is plain, it ought to carry it: So that the Doctor's Fundamental Principle of *Divine Right*, (or Power) upon which his whole Scheme is erected, falls to the ground. For by his own Concession, Providence is but a secondary Rule of Conscience, and only to take place where the directions of Law are defective and unintelligible.

It will not be improper therefore to cite some of the Laws, for possibly they are not so intricate and obscure, as the Doctor represents them.

The 24 H. 8. c. 12. Begins thus: *By sundry old and authentick Histories and Chronicles, it is manifestly declared and expressed, (without Labyrinths) That this Realm of England is an Empire, and hath been so accepted in the World, governed by one Supreme Head and King; unto whom a Body Politick, compact of all sorts and degrees of People..... been bounden and owe a natural and humble Obedience, be being instituted and furnished by the goodness and sufferances of Almighty God with plenary, whole, and entire Power, &c. 5 El. c. 1. And be it further Enacted, That every Person which shall hereafter be elected or appointed a Knight, Citizen or Burgess, &c. for any Parliament or Parliaments, hereafter to be bolden, shall from henceforth, before he shall enter into the said Parliament House, or have any Voice there, openly receive and pronounce the said Oath, (the Oath of Supremacy) before the Lord Steward for the time being. And that he which shall enter into the Parliament House without taking the said Oath, shall be deemed no Knight, Citizen, Burgess, &c. for that Parliament, nor shall have any Voice. In 3 Jac. 1. c. 4. there is this remarkable Paragraph: And be it Enacted by the Authority aforesaid, That if any Person or Persons——shall put in practice to absolve, persuade, or withdraw, any of the Subjects of the King's Majesty, or of his Heirs or Successors of this Realm of England, from their natural Obedience to his Majesty, his Heirs or Successors, or move them, or
any*

any of them, to promise Obedience to any other Prince, State, or Potentate; That then every such Person, their Procurers, Counsellors, &c. be to all Intents judged Traitors—And being thereof lawfully Convicted shall have Judgment, suffer, and forfeit, as in Cases of High Treason. The 7th Jac. 1. c. 6. concerning the Oath of Allegiance, Enacts, That all and every Knights, Citizens, Burgesse, &c. of the Commons House of Parliament, at any Parliament, or Session of Parliament, hereafter to be assembled, before he or they, shall be permitted to enter the said House, shall make, take, and receive a Corporal Oath (of Allegiance) upon the Evangelists, before the Lord Steward for the time being, &c. In 14 Car. 2. c. 3. it's declared, That within all his Majesty's Realms and Dominions, the sole and supreme Power, Government, Command, and Disposition, of the Militia, and of all Forces by Sea and Land; and of all Forts and Places of Strength, is, and by the Laws of England ever was, the undoubted Right of his Majesty, and his Royal Predecessors, Kings and Queens of England; and that both, or either Houses of Parliament cannot, nor ought to pretend to the same; nor can nor lawfully may raise, or levy any War, offensive or defensive, against his Majesty, his Heirs or lawful Successors. To these may be added 13 Car. 2. c. 1. 12 Car. 2. c. 31. 25 Ed. 3. c. 2. not to mention any more. Now I believe most People will conclude that the meaning of these Statutes is not very hard to come by: And that a moderate Share of English and common Sense is sufficient to understand them. I shall insert two or three Maxims relating the same Subject. The

First tells us, *The King never dyes.* The second, *The King can do no wrong.* The third affirms, *Nullum in tempus occurrit Regi*, that is, *No length of Usurpation can prejudice the King's Right.* And least the Doctor should take these for no more than many quaint Sentences, he may please to observe from a very Authentick Authority, That Maxims are one of the Grounds of the Law; that they need no Proof, but are sufficient Authority to themselves; that they are Equivalent to a Statute; and that all Inferences from them are of the same Force with the Principle from whence they are drawn.

Doct. & Stud.
cap. 8. p. 16.

Having shewn that the Laws with respect to Allegiance and Prerogative are not full of Mystery and Labyrinth, as the Doctor would suppose, but are plain, easy and unperplexed, in these great Points; (indeed were they otherwise it would be

no ordinary Misfortune and Reproach to the Government ;) I shall proceed to examine the Doctor's Scheme, which he owns may *startle some Men at first*, because it looks Paradoxically, and carries the Face of Singularity. However it's *so much for the ease and safety of Subjects*, &c. that every one has Reason to wish it true. How much his Principles are for the ease of Society will Ibid. be disputed afterwards. But allowing them this Advantage, his Inference is by no means conclusive, nor proper for his Character. For if we are to wish every Thing true that makes for our Ease, than we ought to wish the Christian Religion false ; because there is so much Mortification and Self-denial enjoined by it. Which made the Gnosticks, from an inward Principle of Self-preservation, abjure it in Times of Persecution. *Soul take thine Ease*, is so far from being good Divinity, that a generous Hea-then would scorn such Advice ; if he found it prejudicial to Justice and Honour.

But before I enquire more particularly into the Truth of the Doctor's Scheme, I shall briefly represent some of the Consequences which follow from the supposal of its being true. By which we may be in some Measure able to guess how much the Doctor has obliged the World by his Discovery.

1. If Power (as he affirms, Page 15.) is a certain Sign of God's Authority ; if, by what means soever a Prince ascends the Throne, he is placed there by God Almighty ; and the Advantages of Success are always to be interpreted the Gifts of Providence, then the best Title may be defeated, without either antecedent Injury, Consent, or an express Revelation from God. And if so, the Nature of Property is perfectly destroyed, and all Dominion is resolved into Occupation ; and no one has any Right to any Thing any longer than he can keep it. This Doctrin condemns a Man to Poverty, for being ill used ; and makes a Prince forfeit, for no other Reason but because his Subjects were disloyal. If its said, that an unjust Seizure of a private Estate extinguishes no Title ; but for the Peace of Mankind God has so ordered it, that whosoever possesses himself of a Government is immediately the proper Owner. That its not thus ordered, I shall prove more large afterwards. At present I only desire to know, Whether God loves Peace more than Justice ? Whether he delights to see Men Brethren in Iniquity, and combine for the support of Violence ?

lence? Besides, Is it for the Peace of Mankind, that great Thieves should be rewarded, and little Ones punished, That a Man that steals a Horse must suffer as a Felon, but he that steals a Kingdom, and flies at nobler Quarry, must be worshipped and obeyed, though the right Owner is still claiming, contesting, and in view? What is this, but to encourage universal Violence, to animate ill Men to more towering Elights of Ambition, and to make them enlarge their Projects of Wickedness? A Man need little skill in Inferences to see what an admirable Expedient this is likely to prove for the Quiet of the World. The Doctor was sensible of this Inconvenience, and endeavours to avoid it, by saying, *That ambitious Spirits, without a great dose of Enthusiasm, can't make this Construction of his Doctrine. For unless they can flatter themselves that God has ordained them to be Kings, their Attempts according to his Principle will be checked.* And why should they not believe God has ordained them to be Kings, if they find apparent Symptoms of Weakness and Decay in a Government, If they perceive the Inclinations of the People for them, If they can form a strong Party, and have a probable Prospect of Success? A moderate Share of Enthusiasm, with some Principles, would be apt to make ambitious Men to interpret such Accidents and Advantages to be broad Intimations of the Favour of Heaven. That God was designing some great Revolution, and calling them to Crowns and Scepters. And as for Enthusiasm, its no wonder to find the World overdosed with that; especially at a time when Men pretend to understand Prophecies almost as well as those who wrote them; when they can expound St. John's Visions upon *Paduas* and *Savoy*; and point out the Time and Geography of a Mystery.

2. This Doctrine supposes there is no such Thing as Usurpation after Possession; which is not only contrary to the Language of our Laws, 1 E. 4. c. 1. &c. but to the common Sense of Mankind; it being generally agreed by those who have any Notion of common Justice and Morality, That what is unlawful to take away, its unlawful to keep. Which must be allowed to be true, unless Violence and ill Usage are valuable Considerations for the conveying of Property. Whereas by these Principles, let a Man come into his Power never so unjustly; Let there be never so suit a Claim continued against him, yet if bare Possession

Possession gives him a Divine Right, it's as much his Property as if he had the clearest and most uncontested Title in the World. The Doctor endeavors to get clear of this consequence, by coining a distinction between *Legal* and *Divine Right*. But this will do no execution upon the difficulty. For if Possession always conveys a Divine Right, all legal Claim must immediately determine. If suppose the Doctor will not deny that God can repeal a Human Constitution. Now when God transfers any Property from one Person to another, it's certain he must null the first Title. For to explain this Matter; *Providence* either conveys the Right with the Thing, or it does not. If not, then the Right remains where it was, and the Thing is wrongfully transferred; which I believe no one will be so hardy as to affirm. If Providence does transfer the Right with the Thing, then the Legal Claim must be extinguished; otherwise this Absurdity will follow, *viz.* There will be a Human and Divine Law, contradictory to each other, in Force at the same time. And since Human Laws when duly circumstantiated are confirmed by Heaven, God's Authority must be engaged on both Sides, and by consequence opposed to it self.

3. This Principle destroys the Nature of Repentance, by which it's generally understood that every one is bound to restore that which he has unjustly taken away. But if we pursue the Doctor's Reasoning to its just Consequences this Doctrine will not hold. For if Possession, though never so unjustly gained, has always God's Authority to confirm it, one would think there should be no obligation to Restitution. For why should a Man restore that which he is vested in by a Divine Right? And yet I doubt not but the Doctor will grant that Injustice cannot be forgiven without Repentance, nor Repentance practised without Restitution; so that by this Gentleman's Scheme a Man is both allowed and forbidden the same Thing; and has a Divine Right to keep that, for which he will be damned if he does not restore it, which certainly is something more than ordinary.

4. The Doctor's Principle puts it in the Subjects Power to depose their Prince when they please. I don't say it makes it Lawful for them to undertake it; that would be to misrepresent him; but when it's once done, his Notion of Power and Setale-

ment confirms their Injustice, and ratifies their Treason, and by consequence makes a standing Army necessary.

5. It Cantonizes Kingdoms, and removes the Boundaries of Dominion. For if *Power be a certain Sign of God's Authority*, then we ought to submit to every one who challengeth the Name of a King, though for never so small a Precinct; if he has but force to back his Pretensions: And by consequence every Parish may set up for an Independent Government; and we may be obliged to swear Allegiance to a Constable. 'Tis to no purpose to say, That the Kingdom has not agreed to such a Division. For the Limits of Kingdoms are founded upon nothing but Legal Right, and Human Constitutions, and therefore they ought not to oppose *God's Authority*, which is always visible in *Power*. Seas, and Rivers, and Mountains, the usual Barriers of Empire and Jurisdiction, ought not to hinder Divine Right from taking place; nor shut *Providence* out of the World.

6. This Doctrin gives Thieves and Robbers a good Title to whatewer they can steal and plunder. The Doctor was sensible of this Inconvenience, and endeavours to remove it, but without success: He offers to shew a disparity between common Thieves and Usurpers. *That the Scripture tells us Kingdoms are disposed by God, and that all Power is of God: but no Man pretends that Thieves have God's Authority.* 'Tis not pretended; but if the Principles hold, it will be very difficult to disprove it. For if *Power is a certain Sign of God's Authority*, it follows, That he who is strong enough to take a Purse must have a Divine Right to keep it. If *Providence orders and disposes all Events, and there be no Evil in the City which the Lord has not* (barely permitted but) *done*; then why this Divinity should not hold upon *Salisbury Plain*, or *Newmarket Heath*, as well as upon any other occasion, will be no easy Question to resolve. The Scriptures which he alleges, that *Kingdoms are disposed by God*, do not come up to his point. For we are likewise told, That private Estates are under the disposal of Providence, *1 Sam. 2. 7. Prov. 22. 2.* Therefore if Possession gives a Divine Right in one case, why not in the other? This Reasoning may be further improved by the Doctor's Logick; where putting out the Word *Kings*, I argue thus in the Doctor's Expression, *All Possession is equally Rightful with*

Pag. 15.

Pag. 12.

P. 14. Prop. 4.

with respect to God: For those are rightful Owners who are put into Possession by God. And its impossible there should be a wrong Possessor, unless a Man can make himself Master of his Neighbours Fortune, whether God will or no. Farther it will not be denied but that the Sabean who took away Job's Cattel, (*Job. 1. 15.*) were: Company of Robbers; and, which is worse, they committed their Rapine by the Instigation of the Devil. And yet, *Ver. 21.* it's said what was stolen by them, was taken away by the Lord. Which according to the Doctor's method of Interpretation will go a great way towards the proving their Divine Right. He urges *Rem. 13. 1.* That all Power is of God. But this Text makes against him, as he is pleased to expound it; i. e. that it is meant of Power, as Power, without any respect to Right. For his former Interpretation of *Legal Power* he has solemnly Recanted in his Preface. Now if all Power be from God without regard to Law, and Human Justice, why a Captain of Moss-troopers, who is an Usurper in little, may not come in for his share of Prerogative, I can't imagine. For an Usurper, and his Adherents, are as much combined against Justice as any private Robbers. They offer Violence to the Constitution, they out-rage all those who oppose their Rapine; and muster all their Force and Cunning to keep honest Men out of their own. So on the other hand, Thieves are generally formed into a Society. They have their Articles of Confederacy, their *Original Contrasts*, and Fundamentals, as well as other People. And therefore they must not be refused the Privilege of Usurpation, upon the Score of being Out-lyers. Upon the whole, Why inferiour Thieves should be denied Divine Right any more than Usurpers is unimaginable. Unless the Bigness of a piece of Injustice is a Circumstance of Advantage: And a Man ought to be encouraged by Providence for Robbing in a greater Compass than his Neighbours. These, with some others of a resembling Nature, are I conceive evident Consequences from the Doctor's *Scheme of Government*. Which besides that they prove the insufficiency of his Principles; (for nothing but Truth can follow from Truth) They shew us at the same time that they are by no means so much for the good of Mankind, as he insinuates: And that we ought not to be so fond of them as he would make us; nor so glad to see them well proved. How much Honour he has done the Scriptures,

Dr. Hook's Iniquity considered,
and the Convocation-Book, by making them the Abettors of
such Doctrin as this, may easily be guessed. I hope therefore
it may be no hazardous Undertaking to joyn Issue with the Doc-
tor upon this point; nor over-difficult to disengage these Au-
thorities from seeming to give any Assistance to his Cause.

S E C T. II.

*Bishop Overall's Convocation-Book no Favourer of the
Doctor's Opinion.*

*Vid. An An-
swer to a late
Pamphlet, In-
titled, Obs.
diance and
Submission, &c.
demonstrated
from Bishop
Overall's Con-
vocation-Book.*

BEfore I enter upon this Part of the Argument, I must ob-
serve to the Reader, That it has been managed with so
much Advantage against the Doctor already, that it might
have been very well omitted here, were it not possible that these
Papers may fall into some hands that may not be so fortunate as
to meet with other Satisfaction. However I shall venture to be
shorter upon this Head, than otherwise I should have been.
Where I must

1. Premise, That supposing the *Convocation* was unquestionably
on the Doctor's side, he would be far from gaining his Point.
For Allegiance is a Duty which arises from our Subjection to the
Temporal Power; and therefore the Laws of each respective
Kingdom, must be the Rule of our practice in this Case. A
Synod, though it may deliver its Opinion upon such a Point, has
no Authority to determine against the State. The Church, as She
did not give Princes their Crowns, so there is no reason She
should pretend to take them away. If She will be a
Judge, and a *Divider* in these Matters, She claims a greater
Privilege than our Saviour owned, I hope the Doctor won't
say, an Ecclesiastical Canon can set aside the Common
Law, and repeal an Act of Parliamt. This, besides o-
ther Inconveniences, of which the Doctor might be made sen-
sible, would be no other than grafting the *Roman* Preences upon
a new Stock; and translating the Supremacy from St. *Peter's* to
St.

*Luke 12. 14.
John 18. 36.*

St. Paul's. But that this Convocation should maintain such Doctrine as this is unimaginable, since the great Design of their Book is to prove the Independency of Princes; to vindicate their Rights against Church-Encroachments; and to shew that Ecclesiasticks are as much their Subjects as the Laity.

2. If we consider the Time in which this Convocation sat, we shall find it very improper to fix the Doctor's Principles upon them, without the clearest and most convincing Evidence in their Writings.

For they met the first of King James I. when the Act of Recognition was passed in Parliament, where the Bishops of this Convocation were present, and gave their Votes for the Bill. In which they Recognize and Acknowledge (being bounden thereunto by the LAWS of GOD and Man) the King's Right to the Crown by inherent Birth-Right, and undoubted Succession. And oblige themselves, their Heirs and Posterity for ever, to submit to (or stand by) this Right, until the last drop of their Bloods be spent. And would these Reverend Prelates concur to the making a Law, drawn up with such Clearness and Solemnity of Expression, and go presently and contradict it in their Synod? Was it their way to make the Bishop vote against the Lord; and not only clash with the State, but with themselves? What! Declare themselves bound by the Laws of God and Man, to stand by the Succession to the last drop of their Bloods; And at the same time lay down Doctrine, which will help us to as many Governments in a Year as there are Moons; and (as has been smartly observed) make Captain Tom the most Sovereign and Divine Thing upon Earth. Those who can believe the Convocation guilty of such Singularities as these, must have a mean Opinion of them; and ought to lay very little weight upon their Authority.

Having premised these Observations, I shall proceed to examine the Sense of the Convocation as to the Point in hand. And

1. I agree with the Doctor, That Usurped Powers, when thoroughly settled, have God's Authority, and are to be revered and obeyed; Can. 28. i. e. These Princes who, as the Canon speaks, got their Authority unjustly, and wrong it by Force from the true and lawful Possessor; are to be submitted to as God's Ministers, when the legal Claim is either surrendered or extinguished. For where there is

no other Title, Possession is sufficient; in which Men ought to acquiesce for the peace of Society. But that meer Possession in relation to Government, ought to over-rule Law; and that Might, can turn itself into Right; and give a through Settlement in the Sense of the Convocation, this, though the Doctor affirms, I must deny. And in order to the Disproof of what he alledges, I shall

1. Endeavour to shew, That the Convocation maintains several Propositions inconsistent with the Doctor's Opinion.

2ly. I shall give a distinct Answer to the Passages cited by him.

1. I shall endeavour to shew, the Convocation maintains several Propositions inconsistent with the Doctor's Opinion.

Convoc. p. 84.
Pag. 86.

Pag. 86.

Alleg. p. 9.

Case of Resist.
p. 204.

For Instance they assert, *That Adam and Noah, while they lived, were chief Governors under the Son of God, over all their Offspring. That God committed the Government of all their Descendants to them during their Lives.* Now if these two persons had a Right to govern during their Lives, then certainly Possession could not give it to another; which is a Contradiction to what the Doctor makes these Gentlemen maintain. For according to him, if Cain by Calumnies, or any other Artifice, could but have alienated Adam's Children from him. If he had set up a Title against his Father, and got the Majority on his side, If the whole Administration had been in his hands, and he had been able to have crushed those who would not submit. If the new Interest could have advanced thus far, his Government had been settled as the Doctor Expounds the Convocation; And then by consequence Cain would have had a Divine Right to have governed his Father. And to call him to an account, if he had refused to comply. And which is somewhat harder, Adam if he could not have made his escape, had been obliged in Conscience to have resigned, and sworn Allegiance upon demand, to his Son Cain. And though the Doctor tells us, *That there was a time when Fathers had the Power of Life and Death over their own Children;* (which one would think if ever, was the time we are speaking of.) And that under this Dispensation it was never allowed by the most Barbarous Nations for the Son to kill his Father, though in his own Defence. But by this new principle, Cain might lawfully have killed Adam purely for refusing to submit to his Settlement. For he

he who has a Divine Right to govern, has certainly the same Divine Right to dispatch those who will not be Governed by him. And thus we have not only made the Convocation fall foul upon it self; but have given an admirable account of Paternal Authority into the bargain. Here the Doctor's usual Evasion of an *Entail* can stand him in no stead, there being no such privilege upon Record in reference to *Adam*.

ally. The Convocation asserts, That upon the Death of *Alexander*, the *Jews* were as free from the *Macedonians* as any of their bordering Neighbours. By which words they must mean they were Free *de jure*. If you enquire the reason of this Freedom: They immediately give you a very remarkable one, *viz.* Because none of *Alexander's* Captains had any Lawful Interest, or Title to *Judab*. No lawful Title! why so? Had they not Power and Possession on their side? But this is not sufficient in the Opinion of the Convocation to give them a Divine Right. And to oblige the People to obey them for Conscience sake. And therefore the Doctor's Inference *That those Princes who have no Legal Rights to their Thrones may yet have God's Authority*; is a direct contradiction to the reasoning of the Synod. The Doctor tells us, and grounds himself upon the Synod; *That since Power will govern, God so orders it by his Providence as never to entrust Sovereign Power in any hands without giving them his Sovereign Authority*. The Gentleman of the Convocation are quite of another Opinion: And affirm that the *Jews* were free, and under no Ties of Subjection; to any of *Alexander's* Captains; notwithstanding any claims they could make from *Providence* and *Possession*. And by consequence they suppose that God's Authority is always conveyed in a Legal Chanel; where there is not express Revelation to the contrary. I can't foresee what the Doctor can object against this Instance, excepting that the *Macedonians* were not in Possession of *Judea*. Now this Objection depending upon matter of Fact may easily be answer'd from *Josephus*, and the *Maccabees*. To shorten the Dispute, I conceive the Doctor will not deny that *Alexander* dyed seized of the Kingdom of *Judea*. That he governed it by his Vice-Roys, and Lieutenants, as he did the other Provinces of the Persian Empire; as fast as they submitted. And therefore some of *Alexander's* Officers were in Possession of *Judea* when their Master

ster dyed. Now that the Jews dispossessed the Macedonians, and recovered their Liberty, though for never so small a time, is not in the least hinted by the Convocation: Now these Gentlemen who have been so punctual in giving an account of all the successive Changes of the Jewish State, from the first Formation of their Commonwealth. They who have so particularly taken Notice of their Theocracy, their Government by Kings, their Captivity, and the variety of Masters they fall under, would not have omitted one would think so remarkable an interval of Liberty if there had been any such. But instead of this they plainly suppose the contrary in their Historical Account; And pass the Jews immediately from *Alexander*, into the Hands of the *Aegyptian*, and *Syrian Kings*. Now it's the sence of the Convocation, not the truth of History which we are Disputing about: So that since we have gained their Opinion the Argument must hold good against the Doctor though they should prove mistaken in matter of Fact. But that this Learned Assembly followed the generally received Opinion uncontradicted by any Historian cannot be denied.

Pag. 66, 68.
Convoc.

And to put the matter beyond all Dispute: Let us consider the case of *Antiochus Epiphanes*, against whom as the Convocation observes, *Mattathias made open Resistance*. Which they suppose was lawfully done because the Government of that Tyrant was not then either generally received by submission or settled by continuance. Whence it will appear that the Doctors Notion of a Settlement, and the Convocations, are by no means the same. According to him, *Antiochus* was as well settled as a Man would desire. For as for Power, the Infallible sign of Divine Authority, that he wanted not; but was absolute Master of *Judea*, as is evident from the *Maccabees* and *Josephus*. So that we may be assured the Administration of Affairs was entirely in his Hands. As for the great Body of the People they were his own in an extraordinary manner, and complied not only with his Government but with his Religion too. *Jason* and *Menelaus* the two High Priests the Convocation informs us, made all the Interest for him they could. And the latter, as *Josephus* reports it, was the occasion of the Defection of the whole Nation of the *Jews* from their Religion. 'Tis true, as it happens in some other Revolutions, they

Convoc. p. 67.

1 Maccab. c. 1.
Joseph. Antiq.
Jud. lib. 12.
cap. 6, 7.

Joseph. ib. c. 7.

Convoc. p. 69.
Joseph. ib. c. 15

they did not all submit to a Man, and I conceive the Doctor will not insist upon the Necessity of this Condition. But those who stood out *Antiochus* was well able to crush, and did it to a very severe purpose. As for the Time of his Government it held no less than three Years; which the Doctor must own is long enough in all Conscience to justify a Compliance. These Arguments for Submission are as strong as the Doctor's Principles can require. And yet we see the Convocation dislike *Antiochus* his Settlement; and allows of *Mattathias* his Resistance. So that nothing is more plain than that these Reverend Divines did not believe that the Concurrence of the Majority of a debauched Nation: A full and uncontrollable Possession of Power, lengthened out to three Years of Government, were Advantages sufficient to infer a Divine Authority, and to change a bad Title into a good one. I know the Doctor urges, That *Antiochus* his Government was not owned by any publick National Submission; which is both more than the Convocation says, or the Doctor can prove. For if by a National Submission he means a Recognition of his Title in a publick Meeting of Persons of Condition; he might probably receive such an Acknowledgment. It's not unlikely that *Jeson* and *Mendaius* who were so forward in making their Court, being Persons of the first Quality, might engage the Nobility to render their new Allegiance in a solemn and publick Manner. However the Business of Form is not Material. 'Tis certain from *Jeseph*, that the generality of the Jews complied; and when a Nation submits, one would think there was a National Submission. Indeed why should they not submit? Here was most certainly Power in a very large and irresistible Proportion, which is a thing we are told will Govern; and therefore God always secunds it with his Authority. I hope the Doctor does not believe *Antiochus* could make himself King of *Judea* whether God would or no: And if not, How could these Jews have the Liberty to stand out against Providence, and oppose a Divine Right?

3. To give a farther Instance that the Convocation did not agree with the Doctor in his Notion of Power and Settlement. We are told, "That if any Man shall affirm that the Jews might have withstood any of their Kings, who claimed by Succession, without Sin; and opposing themselves against God, or that the Kingdom of *Judab* by God's Ordinance going by Succession;

1 Maccab. 1.
57. compared
with cap. 4. 52.
& 2 Maccab.
10. 5.
Joseph. Antiq.
Jud. lib. 12.
cap. 7. 11.

Page 43.

Can. 17.

"Son; when one King was dead; his Heir was not in Right
 "their King. (however by some *Arbuthnot* he might be hindered
 "from enjoying it) or that the People were not bound to obey
 "him, as their Lawful King, *He does greatly Err*. Now for an
 Assembly to affirm, That where a Succession is established the
 People cannot withstand it without opposing themselves against
 God; that a Person who is *Heir Apparent*, is immediately upon
 the Death of his Predecessor their Lawful King; and ought to
 be obeyed as such; notwithstanding the Usurpation of some *Arbuthnot*;
 I say for them to affirm all this, and at the same time to
 make *Force a certain Sign of Divine Authority*; and that we ought
 to obey it from what point soever it rises; To put it in the Sub-
 jects power to break all the Links of Succession, and to give
 away an Hereditary Prince's Right by a *National Submission*, or
 Treason, as often as they please; these are such rank, such sta-
 ring Contradictions, that they are beneath the Inadvertencies of
 common Sense, much more the Judgment of that Venerable As-
 sembly. If the Doctor replies, that the Canon is to be restrained
 to a Succession which was settled by *God's Ordinance*, or express
 Appointment, and consequently to be understood only with Re-
 lation to the Kings of *Judah*, which had their Crown entailed by
 a particular Revelation: To this I answer,

1. That to take the Canon in this Sense is to make it insignifi-
 cant, and foreign to their Design. Whereas it is evident their
 Book (the first especially) was written to assert the Right of
 Princes, and to state and fix the Duty of Subjects. But if the
 Examples they alledge, and the Doctrine they maintain, are not
 to be drawn down to application and practice, what are we the
 better for them? If their Precedents and Conclusions hold only
 for the Kings of *Judah*, to what purpose are they brought? If
 we are unconcerned in them, why are they couched into Canons
 and Principles, and reported with that particularity and exact-
 ness? We are not now to expect any express Orders from Heaven
 for the regulating Successions; and therefore if the Convoca-
 tion is to be understood only of *Estayles* by Revelation, they
 might have spared their Pains, for we are not likely to be the
 wiser for their Determination; as they might easily perceive.

2. I answer, That Succession founded upon Humane Right, is
 of equal Force with that which is supported by Revelation, and
 requires

requires as strong an Authority to defeat it. 'Tis true, God in reward to *David's* Piety, entayled the Crown upon his Posterity by special Designation: And no doubt it was no small Satisfaction to Him to be assured that his Family should reign as 2 Sam. 7. long as it continued, and not be set aside by God's exprefs Order to make room for another Line, as that of *Saul's* was for himself. But if, by the Fundamentals of the State, the Crown was before Hereditary; I cannot conceive what additional Strength could accrue to the Title from an Entayl by Revelation: Eventually stronger I grant it might make it, by refreshing the Peoples Minds, and conveying an awfull Impression by the Solemnity of the Declaration, but their Obligation to preserve the Descent was the same before. For all Humane Provisions stand upon a Divine Bottom; for which Reason the Apostle commands us to submit to every Ordinance of Man for the Lord's sake. 1 Pet. 2. 13. The Laws of a Kingdom when the Authority is competent, and the Matter just, are as much, as to the Ground of the Obligation, the Laws of God, as those he gave upon Mount Sinai: And Kings are his Representatives as well as Angels, by whose Disposition that Law was given. Therefore those who pretend a Divine Repeal ought to bring Miracles and Revelation in one case as well as in the other. These are such obvious Truths, that the Convocation could not possibly overlook them; and therefore could not lay any of that stress upon a Scripture Entayl, upon which the Doctor insists: But must suppose Compliance with *Ahab's* would have been as unaccountable in any other Country not governed by Revelation as it was in *Judea*, provided her Title was illegal.

To urge this Argument a little farther upon the Doctor; If that which he phraseth *Providence* and *Settlement*, is sufficient to null the Constitution tho' never so clear and unquestionable; then a great part of the Ceremonial Law was abrogated under *Antiochus Epiphanes*, and the *Jews* were bound in Conscience to eat Swines Flesh; and forbear Circumcision, because they were so commanded by the King, who had the actual Government of their Country, and sufficient power to crush them upon their Refusal. From whence it follows, That those Men of Resolution, who were tortured for their Noncompliance, and whom the Apostle is supposed so highly to commend, threw away

away their Lives when they ought to have kept them, and were Self-Murtherers instead of Martyrs. He can't say these Precepts they were commanded to transgress, carried any moral Obligation in them; He must therefore recur to his Distinction between Humane and Divine Laws; but this Expedient will not do his Business: for I have proved that both of them as to their Authority are equally Divine. Now as to the Matter in dispute, it's granted that God as universal Lord may alter the Seat of Property and Dominion; and transfer one Man's Right to another: but we ought not to conclude he has done it, except we can prove our new Claim by the Course of Humane Justice, or express Revelation.

Having shewn from the Principles of the Convocation, that they cannot understand *Providence and Thorough Settlement* as the Doctor does, without the plainest Inconsistency with themselves.

I shall proceed to give a distinct Answer to the Passages cited by him:

1. To prove that Princes who *have no Legal Right may have God's Authority*; He tells us the Convocation teach, "That the Lord in advancing Kings, &c. is not bound to those Laws he prescribeth others, and therefore commanded *Jehu*, a Subject, to be anointed King. From whence the Doctor infers, *That what God did by Prophets in Israel by express Nomination, he does by his Providence in other Kingdoms, without any regard to Succession, or Legal Titles*. This he affirms as the Doctrine of the Convocation, and attempts to prove it from their saying, "That the Lord both may and is able to overthrow any Kings, notwithstanding any Claim or Interest which they can challenge. In answer to this we may observe,

First, That upon *Jehu's* being anointed by the Prophet, he is called *the lawful King of Israel*; and *Jeram* his Master is said to be his Subject. Now if *Jeram* was *Jehu's* Subject, it was Treason for him to attempt the Recovery of his Kingdom, and consequently he could have no Legal Right after Dispossession. For if *Jehu* was Lawful King, then *Jeram* the dispossessed Prince had no Right to recover; unless two opposite and contesting Claims, can have a Legal Right to the same Thing; which certainly is a Contradiction.

Contradiction in Law. From hence one (if not both) of these Conclusions must necessary follow.

1. Either that his Distinction of *Legal* and *Divine Right* which he coined to answer an Objection, is Chimerical, and then the Difficulty he propos'd remains unanswered. Or,

2. If there was any singular Advantage in *Jebu's* Case, because he was anointed by God's immediate Designation, then it follows that Revelation about the Disposal of Crowns, is a much safer Warrant, than that which the Doctor calls Providence; and that we can't argue with the same Authority from the one as from the other, though the Doctor is pleas'd to affirm the contrary, viz, *What God did by Prophets in Israel, &c. he does by his Providence in other Kingdoms.* Where by Providence we must understand the Doctor means Success. Now that the Convocation does not suppose Revelation, and Success equivalent, to justify Alterations in Government, but makes a wide Difference between them, will appear from the Consideration of the Place before us. They teach us in the instance of *Jebu*, "That God in advancing Kings is not bound to those Laws which he prescribes others. Which is a plain Intimation that where Governments are not changed by God's express Order, Allegiance ought to be paid according to the Direction of each respective Constitution. For those Laws of Subjection which God is here said to prescribe others, can be no other than the Laws which establish the Rights of the Crown in each particular Country; which Laws according to the reasoning of this Passage are to be inviolably observed, where God does not expressly interpose to the contrary. And therefore in their Canon upon this Place they determine, "That if any Man shall affirm that any Prophets, Priests, or other Persons, having no direct and express Command from God, might Lawfully imitate the said Fact of *Eli-zeus*, (who caus'd *Jebu* to be anointed) in anointing Successors to Kings, which had otherwise no just Interest, Title, &c. to their Kingdoms; or that it is Lawful for any Captain or Subject, high or low, whatsoever, to bear Arms against their Sovereign, &c. by the Example of *Jebu* (except it might first plainly appear that there are now Prophets sent extraordinarily from God, with sufficient and special Authority in that behalf) *be doth greatly Err.* And since the Convocation con-

Alleg. p. 26.

Alleg. p. 6.

Can. 25 p. 47.

48.

"demns

demns the removing of Princes, without particular Orders from Heaven ; It's plain they could not believe that every effectual Revolution had God's Approbation. For if they did believe that God does that by his *Providence* now, which he did formerly by his *Propets* ; i. e. If they did believe his Will is to be interpreted by Events, and that he approves and acts in all Revolutions which are successful ; Why do they pronounce all Practices of this Nature Unlawful, except they are warranted by express and immediate Authority from Heaven ? Certainly they could not declare that Unlawful, which they believed to be God Almighty's doing. What is the Reason they tell us, No Man must imitate the *Example* of *Jehu*, tho', like him, he should be chosen by the Captains of the Army ; and have Power, and the Consent of the People to dethrone the Lawful Prince : If they thought Revelation and Success, Principles of equal Certainty ; If it was their Opinion that *Providence* was always on the prevailing side ; and that Kings had no Right to govern any longer than the major part of their Subjects were willing to obey them ? The Doctor's Instance to prove that Providence or Success is a certain Manifestation of the Divine Approbation, is clearly against him. " For tho' the Lord may, and is " able to overthrow Kings, notwithstanding any Claim, Title, &c. Yet it's evident by this Example, and the Canon made upon it, that the Convocation did not think this was ever done, without God's particular Commission. For it's positively affirmed by this Reverend Synod, that *Ehud* and *Othniel*, the Deliverers mentioned in this place, " Were raised up by God Almighty " with a full Assurance of their lawful Callings, and made Judges " immediately by Him ; without which Prerogatives it had been " altogether unlawful for them to have done as they did. — " Because that God foresaw what Mischief private Men (as all " Subjects are in respect of their Prince) might do, under the " Colour of these Examples. Now if it's unlawful for any Person to step out of his private Sphere, and to act counter to the Laws of Subjection, and common Justice, without an especial Dispensation from Heaven ; then, when such irregular Measures are taken, we must not affirm they have the Countenance of God Almighty, and are brought about by the Conduct of his Providence. To say this, is by the Principles of the Convocation to make

2 Kings 9.

Conv. p. 53.

Page 52, 53.

Page 53.

make God the Author of Sin ; and to prompt Men to those Actions, they will be damned for doing. In a word, If, as these Gentlemen inform us, those who disturb and overthrow Governments without an express Commission from God, do that *which is altogether unlawful*; then certainly they cannot plead God's Authority for what they did. And if so, Success and Revelation are not Principles equally warrantable, unless that which is lawful and unlawful be the same. And by Consequence it's a great Mistake to say that Victorious Force is as clear an Evidence of a Divine Interposition, as the most unquestionable Inspiration. Or, to use the Doctor's Words, *That what God did by Prophets in Israel, by express Nomination of the Person, he does by his Providence in other Kingdoms*. So that to fasten such a meaning as this upon the Convocation, is to interpret them contrary to the obvious Construction and Scope of the Passage, and to make them inconsistent both with Truth and themselves. To give an Instance in a lower Case. There is no doubt but God can dispose of private Property as well as Crowns, notwithstanding *any Title to the contrary*; As we know he gave the *Egyptians* Gold and Jewels, to the *Israelites*; but now if any Man should run away with a Sum of Money he had borrowed of his Neighbor, and plead Providence for his Knavery, in all likelihood he would not have gotten a Verdict from the Convocation.

To go on; the Doctor tells us, *That the Moabites and Aramites could never have a Legal Right to the Government of Israel*, and yet the Convocation asserts, "That it was not lawful for the *Israelites* to take up Pag. 6.
Arms against those Kings. But why could those Princes never have a Legal Right over the *Israelites*? The Convocation, I'm sure, says no such thing. The Doctor may please to observe, that at this time there was no King in *Israel*. There was no Royal Line established by Succession; no Governors set up by Divine Appointment. This Conquest of the *Aramites*, &c. hapned before the date of the *Jewish* Monarchy, and in the Interval of the Judges. And since the *Israelites* were under no Preingagements to a dispossessed Prince, what should hinder them from ranging themselves under the Obedience of a Foreign Governor, when they were in no condition to resist? In this Case their Submission gives away no Man's Right, nor does any Injury to a third Person. And thus being at Liberty to make over their Subjection, when

when they had once actually submitted; The Kings to whom they gave up their Liberty, had a Legal Right to govern them, though they might acquire it by unjustifiable Methods. But when People are under a former Obligation to a Prince, who insists upon his Right, and demands their Obedience, there their Hands are tied up, and they cannot acknowledge any new Master without breach of Duty to their old One.

Conv. p. 83.

Our Author proceeds with the Convocation to the Kings of Egypt and Babylon, where he says, They teach that Submission was due to these Princes who never had a Legal Right to govern Israel: And the like it seems they affirm of the four Monarchies, which were all violent Usurpations. But

Page 58.

1. The Doctor misreports the Convocation; (it's hoped out of inadvertency;) For They neither affirm that the Kings of Egypt, and Babylon, had never any Legal or Natural Right to govern Israel; nor any Thing like it. Or that any of the Monarchies stood upon Usurpation, when the Jews were bound to submit to their Authority. As for the King of Egypt, They make no Exception to his Title, They only say, He oppressed the People very Tyrannically; which all Men know may be done by a Lawful Prince. And that the Kings of Egypt were such to the Israelites, will appear if we consider in what condition the Children of Israel were when they went into Egypt. Now the Scripture informs us, They were driven thither partly by Necessity and Famine. They were but one single Family. And being in these Circumstances, we cannot imagine that Jacob set up for Monarchy in Egypt; or indented with Pharaoh for Independency. It's very unlikely that Prince would suffer a few indigent Persons, who came for Bread and Protection, to set up a distinct Kingdom in the midst of his own Dominions. Such Pretences and Proposals as these to one of the most powerful Monarchs in the World, would have looked very extravagantly from a poor distressed Family. And to take Things at the lowest, we must acknowledge that the first Generation of the Israelites, owed Pharaoh a Local Allegiance. For thus much Sir Ed. Coke and others agree is due to those Princes into whose Country we travel; notwithstanding our Subjection remains still uncanceled to our Natural Prince. But Jacob, as appears from the History of Scripture, was not under the Jurisdiction of any of the Princes

Coke's Reports

lib. 7.

Calvin's Case.

of

of *Palestine*, and therefore it was in his Power to make himself and Family entirely *Pharaoh's* Subjects. And that he did so, needs not be disputed any farther. For I suppose it will be granted of all hands, that the *Israelites* were far enough from reigning in *Egypt*. And since there was no Prince of *Palestine* that could claim any Right over the *Israelites*; all those who were born in *Egypt*, which were no less than three Generations, were *Pharaoh's* Natural Subjects; and he by consequence their *Natural* and *Legal* Prince. Of this Truth the Convocation seem very sensible, as may be collected from their saying; "It may not be omitted, when God himself sent *Moses* to deliver them from that servitude; he would not suffer him to carry them thence, till *Pharaoh* their King gave them Licence to depart. This is a pregnant Proof what a mighty Regard the Convocation thought God Almighty had to the Legal Rights of Princes; That he is so far from giving them away to Blind Events, to Treachery and unjustifiable Force, that Revelation and repeated Miracles are scarce thought sufficient to disengage Subjects from their Allegiance, without the Consent of their Prince. If any one Questions the reasoning of the Synod in this point, I am not bound to make it good; their Opinion is sufficient for my purpose. I shall now proceed to the Kings of *Babylon*, and prove against the Doctor that They likewise had a Legal Right to govern *Israel*; both before, and after the Captivity. I suppose it will not be denied, That when a Prince either submits himself, or is expressly commanded by God to resign, there his Sovereignty ceases, and the Legal Right is transferred to the Resignee: If the latter Case be questioned, I desire to know whether God has not the Supreme Dominion of the World? If he has, he may extinguish any Man's Right, and dispose of it as he pleases. And thence it follows, that when he has given it away by express Grant, the former Possessor has no longer any Right; and if not any, no Legal one. Farther, If a Legal Right should continue after God has expressly given it away, this absurdity will follow, That God cannot repeal a Humane Law, and consequently has a lesser Authority than Men. I have already proved that Revelation and Success are quite different Principles; and that we have no manner of reason to infer God's Approbation from the latter, as from the former; and therefore the Doctor can take

no Advantage from this way of Reasoning. To return to the Kings of *Babylon*, whose Title may easily be made out from the Scripture. For first *Jeboiakim* submitted to *Nebuchadnezzar*, and became his Servant, and was afterwards depofed by him for his Revolt.

2 King. 24. 1.
2 Chron. 36.

2 Chron. 36.
10, 11.

After him *Nebuchadnezzar* being Sovereign Paramount, sets up *Jeboiachin* Son to *Jeboiakim*, who was afterwards carried away Captive, and his Uncle *Zedekiah* made King by the *Babylonian* Monarch. Thus we see the Kings of *Judah*, who only had the Right to govern that Nation, became Vassals to the King of *Babylon*, held their Crowns of him, and were contented to reign *durante Beneplacito*. And though *Nebuchadnezzar* might possibly oblige them by unjust Force to these Conditions, yet after they had submitted their Act was valid, and obliged to Performance. This is sufficient to make *Nebuchadnezzar* a Legal Monarch: But this is not all; For *Moab*, *Ammon*, *Tyre*, *Sidon*, &c. are expressly given to him by God himself, and all those Princes, together with *Jeboiakim* and *Zedekiah*, are commanded to come under the Protection, and to own the Authority of the King of *Babylon*. And destruction is denounc'd against those who refused to comply.

Jer. 27. 2, 3.
11, 12.

Ibid. v. 8.

That Nation and Kingdom which will not serve the same Nebuchadnezzar King of Babylon; and that will not put their Neck under the Yoke of the King of Babylon, that Nation will I punish, saith the Lord, with the Sword, and with the Famine, and with the Pestilence, till I have consumed them by his hand. Thus we see the Kings of *Babylon* reigned *Dei Gratia* with a Witness; They had their Charter for Government signed and sealed in Heaven, and delivered to Notice and publick View, by Authentick and Unquestionable Hands. This certainly is enough in all reason to make *Nebuchadnezzar* a Rightful Prince. If the Doctor has any Thing of this Nature to justify the present Revolution, the Cause is his own. Therefore if he knows of any Prophets he would do well to produce them: Let them but shew their Credentials, and prove their Mission, and we have done. But if he has none of this Evidence, the places cited by the Convocation, *that God takes away Kings, and sets up Kings*, are foreign to his purpose. 'Tis true, when God speaks from Heaven all Humane Laws ought to give place, and be silent. But then we must consider, that Revelation, and the Doctor's Notion of Providence, are widely different; the

Dan. 4. 17.

one

the one is an infallible Direction, the other will lead us into all the Labyrinths of Confusion and Injustice : And make us Abettors of all those unaccountable Practices which ungodly Power has the Permission to act. If any Man will be of this Opinion he ought not to make the Convocation his Voucher. Do they not say then that God removes, and sets up Kings? Not just in the Doctor's Words : They affirm, " That God has ever used " the Ministry of Civil Magistrates in other Countries as well as " in *Judea*, &c. And may not all this be done without giving his Authority to Usurpers? 'Tis true, they instance in *Nebuchadnezzar*, But this Prince had both the Submission of the Kings of *Judah*, and the immediate Appointment of God ; either of which were sufficient to make his Title unquestionable. And since his Authority was thus fortified, it's no wonder that the Convocation pronounces that the *Jews* were bound to obey him. So that in their Sense God is said to take away Kings, and set up Kings, either

1. By express Nomination : This way, if there was no other, the *Babylonian* and *Persian* Monarchies may be defended. The former has been spoke to already ; And of the latter it was foretold by *Isaiah* long before the Birth of *Cyrus* ; That he should be a Conqueror, that God had bolden his right Hand, or strengthened *Isa* 45. v. 1. 4. him, to subdue Nations : And that he should restore the *Jews* to *Isa* 44. v. 28. their own Country ; which could not be done without the Destruction of the *Babylonian* Empire.

2. God is said to take away and set up Kings, when he suffers one King to conquer another ; and the right Heir is either destroyed, or submits. And since we are not to expect new Revelations, we are to conclude, God removes Kings no other way but this : Which is no Limiting the Providence of God in governing *Alleg. p. 37.* Kings, and protecting injured Subjects, as the Doctor supposes. 38. For God can, when he sees it convenient, either turn their Hearts, or take them out of the World, or incline them to Resign. These are all easy and intelligible Expedients, and don't bring any of those Difficulties of Providence upon us, as the Doctor has entangled himself with. This keeps the ancient Boundaries of Right and Wrong unremoved ; and settles the Duty of a Subject upon a Legal Basis. Indeed where Revelation fails, what is so reasonable a Direction to steer by, as the Constitution ;

which is confirmed by the Laws of Nature, and the Authority of God? Is not this a much more accountable Method, than to resign up our Consciencs to Violence, and impetuous Accidents, and to make Treason our Oracle? Now setting aside the Scripture-rights the *Babylonian* and *Persian* Monarchs had to their Empire; it's easy to conceive that these victorious Monarchs either destroyed those Kings they dispossessed, or made them submit their Claim, as *Edgar Atbeline* did to *William the Conqueror*. That this practice of dispatching them was usual to settle the new Conquests, and prevent Competitors, is very probable. Upon this account it was that *Nebuchadnezzar* slew *Zedekiah's* Sons, and all the Nobles of *Judah*. And at the fall of the *Babylonian* Empire *Belshazzar* was slain, as we may learn from *Daniel* and *Xenophon*. And how kindly the *Romans* used their Royal Captives may be guessed, without other Examples, by the Treatment of *Perseus*, and his Family. Now where the right Owner of the Government is destroyed, though never so wickedly, the Usurper becomes a Lawful Prince: For Possession is a good Right, where there is no better. These Observations are sufficient to justify Submission to the four Monarchies, without having recourse to the Doctor's new Scheme.

I am now to attend the Doctor to *Alexander* the Great, whom he gives a hard Character, and thinks any Prince who gets the Throne may pretend as much Right as he. Whether the Ground of *Alexander's* War was defensible, or not, is not material to the point; However he insists very much upon the Justice of his Cause, and tells his Soldiers they were engaged in a Holy War; and that his Design was to revenge the Injuries done to Religion, by *Darius* and *Xerxes* Kings of *Persia*; who made a barbarous Descent upon *Greece*, and violated all Laws, Human and Divine. And in his Letter to *Darius* he sets forth, by way of Declaration, how the *Grecian* Colonies in *Ionian*, and about the *Hellaspont*, had been oppressed and harassed by his Predecessors. How *Greece* was over-run with Fire and Sword; And besides other terrible Articles of Accusation he tells him, That his Father *Philip* was assassinated by some *Persian's* Instigation: And at last appeals to the Gods with a great deal of Assurance. Now I don't find *Darius* ever offered to purge himself; and therefore the Charge might be all true, for ought appears to the contrary. And if so, I hope the Doctor will be kinder

Curt. lib. 3.

Id. lib. 4.

kinder to *Alexander's* Title, and not Censure such a Religious Expedition; especially where Liberty and Property were so much concerned. And if this won't do, there are several other considerable Circumstances after *Darius* his Death, to alledge in behalf of *Alexander's* Legal Right.

1. We don't find *Darius* his Son who was taken with his Mother at the Battel of *Iffus*, outlived his Childhood; and therefore it may be taken for granted, he never put in his Claim.

2. *Alexander* married *Statyra Darius* his Eldest Daughter, which Diodor. Sic. made him at the lowest a Matrimonial King. And no doubt this Lady would not contest the Administration of Affairs with him at that time. And for fear the Doctor should find out a Salick Law in *Persia*; it may be observed in the

Third place, That *Oxatres*, *Darius's* Brother submitted to *A-* Curt. lib. 7. *lexander*, and rid in his Guards. And now for ought I see his Title is clear on all sides.

But the Doctor attempts to prove from the Authority of the Alleg. p. 8. Convocation, that the *Jews* were bound to submit to *Alexander*, Can. 31. when he summoned *Jaddus* the High Priest and the rest of them to surrender, though it cannot be denied that *Darius* was then living. In Answer to this I shall prove,

First, That this Assertion is a manifest Misconstruction of the Convocation.

Secondly, That considering the Condition *Darius* was then in, such a Submission as the Doctor contends for, must be unlawful by his own Principles.

First, The Doctor misrepresents the Convocation. 'Tis true, the Convocation asserts, The *Jews* were the Subjects of *Alexander* after his Authority was settled among them. But then they plainly suppose that *Alexander's* Authority was not settled while *Darius* lived. For,

1. They inform us, "That *Jaddus* sent *Alexander* word that Conv. p. 64.
"he could not lawfully violate his Oath of Allegiance to *Darius*, whilst that Prince lived. Now in reporting this Answer of *Jaddus*, they don't add the least mark of Censure or Disapprobation. Whereas it's their Custom throughout their whole Book, when they relate any unwarrantable Passages of History; to shew their dislike, and to condemn the Fact. This Method as it was necessary to declare their Opinion, and make their Narrative

rative instructive : So there never was a more important occasion to pursue it, than in the place before us. For if they were of the Doctor's mind, they must have thought *Jaddus* was wonderfully to blame, for giving *Alexander* such a categorical peremptory Denial. And therefore they ought to have censured, and exposed such a dangerous Mistake for fear of the malignity of the Precedent. Not submit to *Alexander* while *Darius* lived ! What a mortal Obstinacy was this ? No less in the Doctor's Divinity, than a direct standing out against Providence, and opposing a Divine Right. And would the Convocation, who are wont to take notice of lesser Failings, suffer an Error of such a pernicious Consequence to pass without the least stroke of Correction ? This if the Doctor's Sentiments and theirs had been the same, would have been an unpardonable Omission ; A Negligence that common Honesty, and Discretion, could never have been guilty of.

But to shew they were of a different Opinion, we find *Jaddus's* Behaviour justified by the Authority of their Canon, where we have these remarkable Words : " If any shall affirm that *Jaddus* having sworn Allegiance to King *Darius*, might lawfully have born Arms himself against *Darius* ; or have solicited others, whether Aliens or Jews thereunto, *be doct greatly Err.* They tell us in the foregoing Chapter, (out of which this Canon is drawn, that *Alexander* desired *Jaddus* to assist him in his Wars against the *Persians*) and in the Canon which is nothing but the Historical Part formed into Doctrines and practical Truths ; They assert that it's a great Error to say that *Jaddus* might have born Arms against *Darius*, i. e. that it was unlawful for *Jaddus* to have assisted *Alexander*, and by consequence, that his refusing this Prince, was a commendable Instance of Loyalty. And yet after all this Evidence, the Doctor is pleased to say, *That the Convocation in their Canon takes no Notice that Jaddus could not submit to any other Prince while Darius lived.* No Notice ! Do they not say it was unlawful for *Jaddus* to have born Arms, or to have solicited any others to a Revolt ? Which is as plain a Justification of his Incompliance with *Alexander's* Demands ; and as full an evidence that Success, does not transfer Allegiance as is possible. And is all this nothing ? But the words whilst *Darius* lived ; are not transcribed from the History into the Canon, it's granted.

Can. 30.
Pag. 65.

Pag. 64.

Alleg. p. 8.

granted. However this Omission upon which the Doctor founds himself is not at all material : For

1. The Sense of the Canon concerning the unlawfulness of *Jaddus's* taking Arms against *Darius* is indefinitely expressed ; and by the Rules of reasoning ought to be understood without any limitation of time , unless the subject matter requires it ; which it's far from doing to the Doctor's purpose in the Case before us. For the Canons being but an Abridgment of the History of the Chapters, drawn into practical Propositions ; They ought to be taken in the same Sense, and understood in the same comprehensive Latitude with the History ; unless there is a plain Exception to the contrary. For unless the Chapters and Canons are to be understood alike ; to what purpose is the History premised in the one, and repeated in the other ? Since the Chapters are the Body from whence the Canons are extracted, they ought to regulate their Meaning, and explain their Ambiguities , if there should happen to be any. Besides, it's the Custom of Conclusions of this Nature, to be contracted into a lesser Compass than the Principles from which they are inferred. All unnecessary lengths of Expression being industriously avoided upon such occasions. What wonder is it then to find the Canons less wordy than the Historical Chapters ?

2. Unless the Canon holds out the full meaning of the Chapter, the Sense must be uncertain, and uninstruative. They tell us it was unlawful for *Jaddus* to have taken up Arms against *Darius*. But how long was this Allegiance to last ? Why according to the new Interpretation no longer than an armed Enemy, or a company of Revolters should order him to break it, and put him upon a *Dedition*. So that the meaning of the Canon it seems amounts only to this, That *Jaddus* ought not to have invited *Alexander* into *Judea* ; nor to have run after him, as soon as he heard he had taken the Field against *Darius*. But when the new Prince came once near him, he was immediately to go out in his *Pontificalibus*, and surrender without any farther dispute ; though *Darius* was still living, Master of a prodigious Army, and had by far the greatest part of his Empire in his possession. This no doubt is an admirable direction for the Loyalty of future Ages, and fit to create an entire Confidence between Prince and Subject ! If every Man may transfer his Subjection
when

Alleg. p. 8.

when his Prince is in danger, and himself is Judge of that danger, Allegiance is no more than a ridiculous and arbitrary Relation, contrived only to impose upon the Credulity and good Nature of Princes, without giving them any tolerable Security. For when they have most need of their Subjects they may go look them. So that the principal Design of the Oath centers in the convenience of the Subjects. A Man swears that he will be sure to take care of one, and never rebel, when he believes his Prince too strong for him, and that he must be hanged at home for his pains. In this extravagant meaning the Canon explains itself, if we do not take it in Connexion with the foregoing Chapter, and extend it to the words of the History, viz. That *Jaddus* was not to bear Arms against *Darius*, whilst *Darius* lived. Which Construction is unforced, and natural, avoids all the former Inconveniencies; and makes the Canon a very intelligible and useful Direction for the Subject.

3. Let the meaning of this Passage be restrained to a less Extent than *Darius's* Life; it will not come up to the Doctor's purpose; for both the Canon and Chapter are point blank against him. He cites them to prove that *Jaddus's* Submission to *Alexander* (though an Usurper) was lawful; whereas they say the direct contrary. They relate the History of *Jaddus's* Non-compliance in the Chapter. And to recommend his Example with the more advantage; They fortify it with their own Authority: and immediately decree in their Canon, "That if any Man" affirms that *Jaddus* might lawfully have born Arms against "*Darius*, he doth greatly Err. Well, but *Jaddus* did not mean this by it, for he immediately submitted to *Alexander* as soon as he came to Jerusalem. He did so: however, under favour, this is foreign to the Argument. For we are not disputing *Jaddus's* Practice, but the Sense of the Convocation. Now they don't make the least mention of *Jaddus's* Submission, and therefore the Doctor ought not to insist upon it, at least not amongst his Convocation-Proofs.

The Reason of their Silence no doubt was either because they thought *Jaddus's* Submission to *Alexander* unlawful, or they believed, as *Josephus* reports, that he had Inspiration to justify him. Which because it is not now to be expected, the Convocation waves the Relation; for fear Enthusiasm, and Religious Imposture

Conv. p. 64.

Alleg. p. 8.

posture might take occasion from thence to unsettle Kingdoms, and lead Men into Rebellion. The Doctor in his Case of Allegiance takes no Notice of this Revelation, which was the only ground of the *Jews* Submission; but in his Vindication he attempts to prove from *Josephus*, That *Jaddus* never question'd whether it was lawful to submit to Alexander in these Circumstances. And therefore when God is said to appear to him in his Dream, he answered, no Question, about the Lawfulness of submitting to Alexander; but directed him how to do it in such a manner as might prevent the threatened danger. Pag. 20.
L. II. c. 8.

In Reply to this I must observe, that this Relation about *Jaddus's* Dream, does not affect the Sense of the Convocation; For they take no manner of Notice of it, but by necessary Implication commend him for his resolute Answer to *Alexander*. I shall therefore undertake this Answer of the Doctors as an Argument of his own, independent of the Convocation Book. Having premis'd this, I Reply by way of Enquiry, Is the Doctor certain that *Jaddus* never question'd whether it was lawful for him to submit to Alexander, when he was coming with a great Force against Jerusalem? If the Case be thus, What is the Reason of his sending word that he could not submit as long as *Darius* lived? Was *Jaddus* assured that *Alexander* could not march his Forces to Jerusalem as long as *Darius* was living? He could not suppose *Darius* thus Invincible, since he was lately defeated, and retired towards *Babylon*; what made him then return *Alexander* such an untoward Excuse, Romance against his own Interest, and give such an Uncourtly and Impolitical Answer? One would almost think the Doctor owed *Jaddus* a spite, he makes him so ridiculous upon all occasions. If he had thought it Lawful to submit, why did he not do it before? What made him delay it to the last minute, and give a needless Provocation to the Conqueror? 'Tis plain from *Josephus*, that *Jaddus* did not submit till he had received direction from God. Now if he was at such perfect Liberty to transfer his Allegiance, one would imagine he should have sent a tender of it to *Alexander*, before things had come to this extremity. But of this the Historian makes not the least mention. He tells us, that *Alexander* threatned *Jaddus* that he would be with him shortly, and instruct him better in the Doctrine of Oaths; That *Jaddus* notwithstanding kept his Point, and his Gates shut; That

Vind. Ib.

Ibid.

the *Macedonians* expected *Jerusalem* would be sacked, and that *Jaddus* would pay dearly for his Obstinacy: which is a Demonstration there had been no Overtures of Submission. It likewise appears from *Josephus*, that when *Jaddus* had his Oracular Dream, *Alexander* was within a days march of *Jerusalem*. Now if he was so entirely satisfied about his new Master, why did he risque his Affairs at this rate, and stand off till *Alexander* was just in view? This was an early Submission indeed, and likely to atone for his former Contumacy: So that if a Man may conclude any thing, his deferring to surrender thus long, is a pregnant Proof he believed it unlawful. But possibly he was sure of Assistance and Direction from God when ever it was desired. How could that be? There was neither Urim nor Thummim after the Captivity; and Prophecy ceased with *Malachy*. Besides, what need was there of a supernatural Direction for the Resolution of a plain Case? Yes, though the matter of the Action was clear, there was a difficulty in the manner of doing it. Whose Fault was that? If *Jaddus* had gone in sooner, his own Discretion though but ordinary, would have been sufficient to have managed his Submission. For *Alexander* was known to be a more generous and prudent Prince, than to insist upon unreasonable Rigors, especially at the beginning of his Fortunes. Well! But *Jaddus* possibly did not think it lawful to submit till *Alexander* was just upon him. And what made him think so then? Why could not he stand a Siege as well as the *Jews* had formerly done against *Nebuchadnezzar*? Why did he fall short of the Resolution of *Tyre*, and *Gaza*, and be out done by mere Heathens in point of Loyalty? Or does the Doctor believe it lawful for a Governor of a Town to surrender as soon as he hears the Enemy is approaching? If he does, he would make an excellent Garison Divine. But does not *Josephus* say, *Jaddus* was extremely concern'd how he should meet the *Macedonians*? Meet them! In what manner? In a submissive petitioning way? No such matter. The word *ambitious*, will bear a hostile Signification; and the Series of the History requires such a Construction. For *Alexander* was very angry, and his Army expected the plunder of the Town, and the *Jews* stood upon their Guard; which are strong Arguments that there had been no Treaty, or Signs of a Surrender. Besides, the Doctor is mistaken, in saying that God answered no Question about the Lawfulness

fulness of submitting to Alexander. For God bid him open his Gates, which is a clear Proof that *Jaddus* stood upon his Defence; and kept the Countenance of an Enemy; and thought himself obliged so to do, till he had a Dispensation from God Almighty.

Vind. Ib.
Joseph. l. 11.
c. 8.

This I conceive is a sufficient Reply to the Doctor's Answer concerning *Jaddus's* Revelation. And if there was any additional strength wanting, it will be fortified in the next Paragraph as the Reader may observe. To return to his Case of Allegiance, to which I answer

4thly, That the Doctor does not only argue against the Sense of the Convocation, but against himself. For considering the condition *Darius* was in, when *Jaddus* was summoned by *Alexander*, the High Priest ought not to have submitted by the Doctor's Principles. For when *Alexander* is supposed to have come to *Jerusalem*, he had conquered nothing but the Proconsular *Asia*, *Phœnicia*, and *Syria*: which probably was not much more than the tenth part of the *Persian* Empire. It was before the great Battel at *Arbela*, and not long after that at *Issus*. Where though *Darius* had the disadvantage, yet he was so far from being discouraged by the Defeat, that he writes to *Alexander* at a very magnificent rate, treats him as his Inferior; and demands, rather than desires the Liberty of his Queen and Children. Now the Doctor owns, *That when the dispossessed Prince has such a formidable Power as makes the Event very doubtful, (which Darius unquestionably had) the Revolution is incomplete, and we cannot yet think the Providence of God has settled the new Prince in the Throne. And therefore we ought not in such a Case so much as to pray against the dispossessed Prince.* And if so, certainly not to swear to another Matter, which according to his reasoning is a much greater Submission. And though he tells us, (and would fix the Doctrine upon the Convocation) that *Jaddus* had sinned if he had refused *Alexander* an Oath of Allegiance when he received his Summons. Yet here he grants by undeniable Consequence, that *Jaddus* had sinned if he had sworn. For then he must have had more than one King at a time, and been bound to two opposite and contrary Allegiances: which is a Contradiction to the Doctor's 6th Proposition, and indeed to Reason itself. The truth is *Jaddus*, as our Author represents him, makes a very odd Figure. He solemnly pro-

Ralegh. Hist.
&c.
Pag. 583.

Curt. lib. 4.

Alleg. p. 17.

Ibid.

Alleg. p. 8.

Pag. 17.

Pag. 14.

Conv. p. 64.

Alleg. p. 8.

Antiq. Jud.

l. 12. c. 1, 3.

feffes, that he could not submit to Alexander while Darius lived. And yet, like a wary Man, his meaning, if we believe the Doctor, was no more but this : That having sworn Allegiance to Darius, he could not make a voluntary Dedition of himself, &c. But when he was in Alexander's power, (to which he resigned himself without the least Resistance) he made no Scruple to become his Subject. Which is in effect as if he had sent Alexander word, "Sir, Though our Preingagements of Allegiance to King Darius hinder us from surrendering at your Summons, yet I hope your Majesty won't take us for Men of an obstinate and incurable Loyalty. If you please to march your Army to Jerusalem, you will find the Behaviour of the Jews not ungrievable. For though in point of Conscience we are bound not to run in quest of new Governors, yet any Body may have us for the fetching. And were not Jaddus and his Countrymen admirable Subjects at this rate ? Don't they deserve to be commended by Ptolomeus Lagi, and Antiochus Magnus, for their Fidelity to Darius, and to be entrusted with places of strength upon this account, as Josephus reports ? These Jews, no doubt, were fit to make any Town impregnable. They would defend it against all Mankind but an Enemy. But if he had once appeared they were ready to open their Gates, and their Arms to receive him. Indeed as this Historian represents them, their Loyalty was considerable ; because though they were threatned to be attacked by a powerful and victorious Army, yet nothing could persuade them to change their Prince, but an express Command from God himself. But as their Behaviour is described by the Doctor, they have very little Reason to value themselves upon their Constancy.

Alleg. p. 7.

Can. 33, 34.

And now it may not be improper to go on to the Roman Empire. In behalf of which the Convocation is again cited by the Doctor to prove, "That the Jews were bound to pay Tribute to Caesar, to pray for him, and give him the Security of an Oath. Why the Doctor quoted these Passages, except he thought the Reader would not consult the Original, I can't imagine. For not only the 32 Chapter, but these very Canons stand in direct opposition to his Opinion. They all along suppose the Roman Government was Legally established : And condemn the Non-compliance and Resistance of the Jews upon that account. The 33 Canon in the Beginning, which the Doctor took

care

care to omit, plainly affirms, That the Royal *Assamenean* Family, which only had a Right to the Sovereignty of their Nation, had resigned their Crown, and owned the *Romans* for their Masters. Their words are. "That *Aristobulus*, and his two Sons *Alexander* and *Antigonus*, had all of them submitted themselves to the Government of the *Romans*. And then its no wonder that the Canon decrees, "They Sinned in Rebelling against them. The Submission of these Princes is no doubt the Reason why the *Jews* are said "to have wilfully drawn the Tyranny of the *Romans* upon their Heads. And to make the matter plain beyond all Contradiction, the very Passage quoted by the Doctor, calls the *Romans* their *Lawful Magistrates*. A Man must be very sharp-sighted to spy out any Countenance given to Usurpation by these Authorities. I confess I am almost amazed to find them alledged by one of the Doctor's Sense.

Can. 33.

Ibid.

Now though I am only concerned to vindicate the Convocation from the Doctor's Construction; yet possibly a brief touch of the History may not be unacceptable to the Reader. We are to observe then, that about the year 65, before the Incarnation, the two Royal Brothers, *Hyrcanus* and *Aristobulus* hapned to dispute the Sovereignty of *Judea*. In which Contest *Hyrcanus*, though the eldest, was by Misfortune and Duress, compelled to resign. And the Articles between his Brother and him, for the more Solemn Ratification were agreed to in the Temple. However this Resignation being forced, made *Hyrcanus* uneasy; who for remedy applies himself first to *Aretas* King of *Arabia*, and afterwards to *Pompey* the Great. Who, glad of the Invitation, marches his Army into the Country, takes *Jerusalem*, and makes *Judea* a part of the *Roman* Empire. *Hyrcanus* is contented to receive the High Priesthood from his Patron *Pompey*; and *Aristobulus* is sent Prisoner in Chains to *Rome*, with his Children. After several Varieties of Fortune he was enlarged by *Cæsar*, and had the Command of two Legions under him. And the next News of him is, that he was poisoned by some of *Pompey's* Faction, and his eldest Son *Alexander* beheaded by *Scipio*. The younger *Antigonus* recovers *Jerusalem* by the help of the *Partians*, cuts off his Uncle *Hyrcanus's* Ears to unqualifie him for the Priesthood; and afterwards submits to *Sossius* and *Herod*, who commanded for the *Romans*, and is Beheaded by *Mark Antony*.

Joseph. Antiqu.
Jud. l. 14. c. 1.

Id. cap. 2. 3.

Ibid. cap. 7. 8.

Ibid. cap. 13.

Ibid. cap. 23.
28.

tony.

Id. l. 15. c. 2. 3. *Id. l. 15. c. 9, 11.* *Id. l. 15. c. 2. 3.* Upon this *Herod*, who was some time since made King of *Judea* by the *Romans*, goes on with his Project to dispatch the Royal Line. And to colour his Design the better, he invites *Hyrcanus*, who was in *Parthia*, to his Court; and gets him into his power. Then he makes *Aristobulus*, Son to *Alexander* above-mentioned, and Brother to *Marianne*, High Priest; and soon after procures him to be drowned in a Canal. And, to make sure work, he proceeds to the Murther of *Marianne* his Queen, and *Hyrcanus* her Mother's Father. And thus we see how the *Romans* came by their Title to *Judea*, which though they might introduce by Stratagem and Force, yet it soon improved into an unquestionable Authority. For first they had the Submission, and afterwards the Extinction of the Royal Family; either of which were sufficient to support their Claim, and make them a Lawful Magistracy.

Alleg. p. 8. By this time I suppose it's sufficiently apparent, that this Convocation is far from teaching, *That Princes who have no Legal Right to their Thrones, are either placed there by God, or vested with his Authority.*

Deut. 17, 15. *Vind. p. 11, 12.* But before I conclude this Argument, I must consider what the Doctor has lately advanced to fortify his Opinion, that the *Moabites*, *Aramites*, and *Egyptians*, could not have a Legal Right to govern Israel. For by the Constitution of the Jewish Commonwealth. They could not give the Power of the Government to a stranger. The four Monarchies likewise were erected with the most manifest Usurpation.

In Answer to this Objection. I shall endeavour to prove that these Governments were all free from the Charge of Usurpation; both from the sense of the Convocation; and likewise by Arguments independent of their Authority.

1. In Answer to the Text of *Deuteronomy*, 17, 15. Upon which the Doctor relies. We may take notice, That every Breach of a Constitution does not make a Governor an illegal Prince: *Solomon* Multiplied Wives and Horses contrary to the express Command in this Chapter, and several others of the Israelitish Kings were guilty of greater Errors: Yet these miscarriages did not in the least disoblige their Title; or make them cease to be Legal Princes.

2. We may observe there were some Things the Jews were forbidden to do: Which when they were once done, their Act was valid and firm, and they were bound to maintain it. For Example, the Jews were expressly prohibited intermarrying with the Seven Nations, of which the *Hittites* are first named. However we read that *Bethsheba* a Jewess, Daughter to *Eliam* the Son of *Achitophel*, was Married to *Uriah* the *Hittite*. But notwithstanding this Obstacle, the Marriage was undoubtedly lawful, as appears from *Nathan's* application of the Parable, and the aggravation of *David's* Sin. Dent. 7. 3.
2 Sam. 11. 3.
Id. 23. 34.
2 Sam. 12.

To give another instance. The *Gibeonites* were a remnant of the *Amorites*, which the *Israelites* were Commanded to destroy; but after they had received them into their protection, they became their natural Subjects, whom they were bound to preserve. By parity of reason, though the Jews were forbidden to Elect a stranger for their King. Yet when they had once made choice of him, (provided they were not preingaged to another) he becomes their Lawful Prince, and ought to be acknowledged as such. 2 Sam. 21. 2.
Dent. 20. 17.

3. Either these Foreign Governors the Doctor excepts against were Lawful Princes, or Usurpers, the latter they were not. For as to their Authority they neither Usurped upon the Right of the People or the Crown; for either the People submitted, that is, consented to be Governed by them, when there was no King in *Israel*. Or else they had a Resignation from the Royal Line. Now if the Doctor knows any mean between Usurpers, and Legal Kings, he would do well to acquaint the World with it, for it will be a perfect Discovery. Having premised this, I shall proceed to a more particular Consideration of the Doctors Defence, and examine his Monarchies accordingly as they fall in order of Time.

To begin with the *Egyptian* Kings. And there I need not repeat what I have urged already to prove, that they had a *Natural and Legal Right to govern Israel*. Its sufficient to observe that the Doctor's main Objection does not affect them. For the *Israelites* were under their Government before the Delivery of the *Mosaic Law*, by which they were enjoined not to choose a Foreign Prince. So that *Deuteronomy* 17. 15. cannot be alledged against the Legality of *Pharaoh's* Title; because

cause this Text was wrote long after the Children of *Israel* came out of *Egypt*. This the Convocation must needs know, and therefore could not reckon *Pharaoh* an illegal Prince with respect to the *Israelites*.

2. The Kings of the *Aramites* and *Moabites* are called *Tyrants* by the Convocation; not with respect to their Title, but their Government.

"God gave them Judges to save them from the Tyrants "that oppressed them. For that they were no Usurpers (in continuance, whatever they might be at first) appears.

Conv. p. 52.

1. From the Comparison the Convocation makes between *Ehud* and *Jehu*, *Joram* and *Eglon*. "They expressly tell us, "That the case of *Jehu* was like unto this of *Ehud*. Now to make the case Parallel, the Kings that were removed must have the same Title to their Government. And since the Doctor must allow that *Joram* was a Lawful Prince of the *Israelites*, it follows that *Eglon* was so too. For the Convocation mentions them without any manner of Distinction, and requires the same extraordinary Commission from Heaven to enterprize any thing against either of them.

Conv. p. 53.

2. By their general conclusion, which they make immediately after the recital of these cases; it plainly appears, They believed *Eglon* to be a Lawful Prince with respect to the *Israelites*. Their words are as follow.

"Both these Examples (of *Joram* and *Eglon*) do make it "known to us, that the Lord may overthrow any Kings, &c. "notwithstanding any Claim, Right, Title, or Interest which "they can challenge to their Kingdoms. Now this Inference cannot be drawn from the premises, unless *Eglon* had a good and unexceptionable Right to the Government of *Israel*; For if *Eglon's* Title was defective in any point, it could not be a ruled Case against those Princes who had a better. But the Convocation affirm that from these Examples of *Joram* and *Eglon*, its evident that God can overthrow any Kings, notwithstanding any Claim; Right, Title, &c. which reasoning supposes that *Eglon* had all the Right, and Claim, Title, &c. which was requisite, and by consequence was a Legal Prince: From whence it appears, that the Convocation does not mean a King *de Facto*, in opposition to one *de Jure*, (for the Examples before them

them, gave them no occasion for such a distinction) but only a Prince in actual Administration of the Government, without any reflection upon his Title.

3. I have proved above, that the *Babylonian* Monarchy was legally established over *Judea*: The Jews being expressly commanded by God himself to submit to the King of *Babylon*. Now though the Jews were not allow'd out of their own voluntary motion to chuse a Foreign Prince, especially when they had one of their own; yet without question, they might accept of one of God's chusing. God doubtless has the liberty to dispense with, or repeal his own positive Laws. And as the Government of the *Babylonians* over *Israel* was unquestionable; so likewise was that of the *Persians*, who succeeded to the Right of the former. Thus the Convocation affirm,

Jer. 27.

Pag. 61.

Pag. 62.

"That the Kings of *Persia* continued a Supreme Authority over the Jews by God's appointment. And that *Nebemiab* and *Zerobabel* were lawful Princes. Which they could not have been, unless the Kings of *Persia* were such, because they acted by their Deputation.

4. As to *Alexander* the Great, the Convocation declares "that the Jews were as much his Subjects, as they had been before the Subjects of the Kings of *Babylon* and *Persia*. And if they were as much his Subjects, his Title to command them must be as good as that of the preceding Kings. Besides I have already made it appear that the *Jews* submitted to him by God's particular direction.

Lastly, The Convocation affirms, "That it was unlawful for *Aristobulus* the Father, or either of his two Sons *Alexander*, or *Antigonus*, having all of them submitted themselves to rebel against the *Romans*. This is a clear Argument that this Reverend Assembly believed the Right of the Crown of *Judea* translated by the Submission of the Royal Line; and that the *Romans* by consequence were their legal Governors. And to make their Testimonies demonstrative, they expressly pronounce that the *Romans* were the Jews lawful Magistrates. And what Coun-trymen were the *Romans*? Were they not Foreigners? The Doctor sure does not think the Convocation took them for native Jews. And if not, they could not understand *Deut. 17. 15.* in his Sense.

Can. 33.

Pag. 82.

Deut. 17. 15.

Gen. 49.

Case of Resist.
p. 30.

Farther. To argue with the Doctor independently of the Convocation: As this command in *Deuteronomy*, was not given till after the *Egyptian* Monarchy, so the force of it expired under the *Roman*: For after the coming of *Shiloh*, the *Scepter* was to depart from *Judah*. Now the command of choosing a King of their own Nation could not extend to a Time in which it was foretold by Sacred Writ that their State should be dissolved, and there was no more Kings of *Judah* to be expected. So that after the Messiah appeared, it was Lawful for the Jews to submit to a Foreign Power notwithstanding the Text of *Deuteronomy*, or else they were obliged to live in *Hobbs*'s State of Nature. For if they might not submit to Foreign Princes they must break up Society, and be independent of all Government: For *Jacob's* Prophecy had barred them from having any Governors of their own. Which latter supposition all Men will grant to be impracticable and absurd. But if the Jews might Lawfully submit to a Foreign Power; then those they submitted to were their Lawful Governors. Besides at the Death of our Saviour, all the Mosaic Law unless the Moral part of it was cancelled, So that the *Roman* Emperors were as much the *Natural* Princes of the Jews; as the Kings of *Portugal* and *Spain* are over their Posterity who now live in those Dominions. From whence it follows that when *St. Paul* wrote the 13. to the *Rom.* upon which the Doctor so much insists: He could not suppose the *Roman* Authority could receive the least blemish from *Deut.* 17. 15, which I desire may be remembered against another Time. In short the meaning of this last Text appears to be no more than this, That the Jews were not permitted out of *Levity* to make a voluntary choice of a Foreign Prince: But when they were under hard circumstances and injured none but themselves by their submission; They were at Liberty to consult their advantage, this as to the main is the Opinion of *Grotius*, and has been the Doctor's too. Who seems to wonder the Pharisees could not distinguish upon the Prohibition; but took it in too unlimited a sense? So that its in vain for the Doctor to reply, that if Force dissolves the Obligation of a positive Divine Law; a meer human one cannot hold out against it. For the command we see does not reach a case of Force; but points at circumstances of Liberty, and Inclination.

And

And what is farther very remarkable. It does not follow that because the *Gravelles* might submit to prevent hard usage, when they were in their own Power. When they were unengaged to any Prince of their own. I say it does not follow from hence, that they had any Authority to desert their Prince in his Distress; and to give away his Right to save themselves harmless. These two Cases are extremely different. In the first, a Man resigns nothing but what belongs to him; and is at his disposal. But the other confounds the nature of property, makes a Man forfeit without consent, or provocation given: And puts it in the Subjects power to translate their Allegiance without their Princes allowance; and to depose them when they please.

I shall now proceed with his Book of Allegiance; and before I take leave of the Chapter I was examining, I shall just observe, how inconsistent the Doctors Notion of *Settlement* is with itself; and of what incoherent parts its compounded. He tells us, *when the whole Power of the Nation is in the Hands of the Prince; when the Estates of the Realm, and the great Body of the Nation has submitted to him; and those who will not submit can be crushed by Him; when all this is done* (and I suppose not before) he concludes the *Settlement* compleat. By which definition he plainly makes Force, and Consent, Power, and Law, essential to a *Settlement*, and by the same Logick, he might have compounded it of Fire, and Water. If *Power will govern and is a certain sign* Alleg. p. 8. *of God's Authority*, to what purpose are the States convened? Cannot Providence dispose of Kingdoms without their Leave? Or does a Divine Right depend upon humane Forms and Solemnities? In short either Power implies a necessary Conveyance of Divine Right or not: If not, then its no certain sign of God's Authority, and so the Doctor's Fundamental Principle is out of doors. If it does; then there is no need of the Submission of the Estates to perfect the *Settlement*. But since the Doctor has call'd them together, I desire to know whether they are Legal, or Illegal Estates, if Illegal, they had better have kept at home, than meet to break the Laws. If they are a Legal Body, let this be proved.

And thus, at last, we must be brought to debate the Legality of a Revolution, which, the Doctor tells us, is an *unnecessary*,
F 2

Alleg. p. 1. 2. *necessary, unfit, and impracticable Undertaking?* However, as the Doctor has ordered the matter, the Estates can have nothing to do with it; And therefore I can't imagine what he brought them in for, unless it were for a Varnish. It's likely he thought naked unornamented Violence, would make but an untoward Figure; and that People would be too much frightened, to spell out its Divine Authority. For this Reason he has dressed up his Power in the habit of Justice; and supplied the defect of Law, with Pomp and Pageantry. But he seems not well pleased, because his definition of *Settlement* is not *allowed him*; and would gladly bear a good Reason why the general Submission of the People can't settle the Government, unless the Prince submit also. I hope it's no bad Reason to say the Submission of the Prince is necessary in this Case, because no Man can lose his Right without Forfeiture, or Consent; Nay, Forfeiture itself supposes a conditional Right, and implies Consent at a remoter distance.

Pag. 9.

Ibid.

The Doctor himself acknowledges, *That Consent is necessary to transfer a legal Right.* From whence it follows, That where the Princes legal Right is not transferred by his own Submission, it still remains in him, unless Kings are in a worse condition than other People; and lose the common Privilege, by being God's Representatives. Now one part of the King's Right is to govern his Subjects; and if he has a Right to govern, they must of Necessity be under any Obligation to obey him. And that must needs be a firm *Settlement*, which all People that make it are bound to unsettle again. As for his Distinction between Legal and Divine Right, I have shewn the Vanity of it already.

Pag. 9.

To conclude this Section; If the Doctor is resolved to persist in his new Opinion, *That all Sovereign or Usurping Powers have God's Authority, and that Subjection is due to those who have no legal Right;* He must look out for some other Supports; for that of the Convocation, and Church of England, will be sure to fail him. Now that the Reader may not think him unprovided with Abettors, I shall shew by and by, from what Quarter he may receive a considerable Assistance.

S E C T. III.

The Doctor's Arguments from Scripture and Reason examined.

HAVING done with the Convocation, I must go on with the Doctor to Scripture and Reason, from both which intermix'd with each other, he attempts to prove, *That all Sovereign Princes, (that is, every one that has Force to crush the dissenting Party, Prince Massimello not excepted) who are settled in their Thrones, are placed there by God, and invested with his Authority.* That is, in plain English, they must be obeyed as God's Ministers, though they have no legal Title; and the People know they have none. This, in so many words, he knew would sound harshly: and therefore has given the Expression a turn of Advantage. To come to his Proofs: Which he has reduced into Propositions. Among these,

His first Proposition, *That all Authority is from God, is undeniable.*

Second Proposition, *That Civil Power and Authority is no otherwise from God, than as he gives his Power and Authority to some particular Person or Persons to govern others.* Pag. 10.
Ibid.

This is likewise granted him: But what use he can make of it I cannot imagine. For though no Man can govern by God's Authority, unless God gives it him; it does not follow from hence, that God gives his Authority to Usurpers. The Doctor knows God did not give it to *Atbalia*, and why other Usurpers should be in a better Condition, he has not yet offered any satisfactory Reason. Force, and Authority, (though our Author confounds them) have always been looked upon as Things vastly different. The first is nothing but Violence and Irresistibility. The other (Authority) is a moral Capacity to do an Action, and always implies a Right. So that they who pretend to God's Authority, must make good their Title either by

by the ordinary Plea of humane Laws, or by the extraordinary one of Revelation. They must prove they have a Right distinct from their Power, otherwise they contradict the Sense of Mankind, and destroy the very Being of Morality. However the Doctor thinks it plain from St. Paul and St. Peter, That all those who exercise Supreme Power are set up by God, and receive their Authority from him; notwithstanding they have no other Title but the Sword.

Page 11.
Rom 13. 1.
1 Pet. 2. 13.

In order to the removing this Mistake, I shall endeavour to prove, that by the *Higher Powers*, the Apostle meant only Lawful Powers.

Alleg. p. 19.

1. Because we have a Rule in the Scripture to interpret the Apostle in this Sense. For the Distinction between *Lawful* and *Usurped Powers*, is not unknown to Scripture, as the Doctor pretends.

2. This Interpretation is supported by the Authority of the ancient Doctors of the Church.

3. Its agreeable to the Sentiments the Generality of Mankind had of a Usurpation. At, and before the Apostles Time.

1. We are warranted by the Scriptures of the Old and New Testament to conclude that by the *Higher Powers*, are only meant those who are Lawfully Constituted as appears.

2 Kings 11.

Vindic. p. 40.
&c.

1. From the Instance of *Arbaliab*. Who though she had Power and Settlement in as ample a manner as can be desired; yet she had no Divine Authority, nor any Right to the Peoples Obedience as is plain from the History. The Doctors Solution of this difficulty from the Entail of the Crown upon *David's* Family, has been shown insufficient. I confess the Doctor has offered something farther lately in defence of his Notion; though I think much short of his point. However the Learned Author of the *Postscript* being particularly engaged in this Case; and having managed it with so much Advantage, I shall forbear to insist any farther upon it.

2. Another Argument from Scripture, that by the *Higher Powers* are meant only Lawful ones. May be taken from 1 Pet. 2. v. 14. The next verse to that which the Doctor Quotes for a contrary Opinion. In which place the Apostle Commands

mands us to submit to the King, as Supream; and unto Governors, as unto them who are sent by him. Now if we are bound to submit to Subordinate Governors, by virtue of their Delegation; because they are sent by the King, or Supream Power: It follows that when they are not sent by him; but Challenge our submission upon the score of independent Right, they are not to be obeyed. Suppose then the Emperor's Procurator of *Judea* had set up for himself in the Apostles Time, and brought over the *Sandrim* and the Majority of the Jews to his Party, and possessed himself of the Civil and Military Power of that Nation; were the Jews bound to submit to the Procurator or not? By the Doctor's rule undoubtedly they were. For here is nothing less than his *Thorough Settlement*; and by consequence *Providence and Divine Authority*; to oblige them to acquiesce. But on the contrary St. Peter's Doctrine, teaches us to look upon this Procurator as a Treasonable Usurper, and to have nothing to do with his Settlement. For we cannot suppose him acting in his Masters Name, when he Rebels against him; unless we can imagine the Emperor would grant a Commission to fight and destroy himself. If therefore the reason of our submission to inferior Magistrates, is founded in their Subordination; in their being sent by the Supream; as is evident by the Apostles Argument: Then certainly we are not to obey them how successful soever they may be, when they act upon their own pretended Authority; and against him that sent them.

I can't foresee what the Doctor can reply; excepting that *Judea* was but a small part of the *Roman Empire*; and therefore a general Revolt in that Country alone, could not plead God's Authority from their Success, nor oblige the Noncomplying Subject to Obedience.

To this I answer; That if we are to obey the *Higher Powers*, i. e. those who can *crush us* without respect to the Legality of their Title. If Sovereign Force, and Sovereign Authority, are the same, then we ought to obey them as far as their Power reaches: For so far their Divine Authority must extend. If the Revolt be general, and the Power undisputed, the Largeness of Dominion is not at all material: For, as has been observed, the Boundaries

daries of Empire are of an inferior Consideration. They depend only upon Facts, and Humane Laws; and ought not to stand in competition against Providence, and hinder the exercise of a Divine Right. God, without question, can change the Limits, as well as the Governors of a Kingdom; (and ought not to be confined in this respect no more than in the other.) And since Settlement and Success is a certain Sign of Divine Authority, we ought, according to the Doctor, to submit to every Subdivision of Power, though never so illegally Cantonized; as long as they keep distinct, and unubordinate to each other.

3. That the Distinction between *Lawful* and *Usurped Powers*, is not unknown to Scripture, will be manifest from the consideration of *Hebr. 13. 17*. There the inspired Author commands the Hebrews to obey those who have the Rule over them, and submit themselves. I grant the place is to be understood of Church-Governors: but it's as plain by universal Practice, that this Submission is to be paid to none, but *Lawful Spiritual Powers*. For if any Bishop should offer to govern another's Diocese, and Usurp his See; such intrusions have been always condemned by the Church; and the People obliged to adhere to their first Bishop. And since this Scripture concerning Ecclesiastical Rulers, has been always understood of those who are Lawfully and Canonically set up; though these words are not expressly in the Text; why the *Higher Powers* should not be restrained to Magistrates Legally Constituted, is somewhat hard to imagine: What reason have we to suppose God should Confirm an intrusion upon the State; and disallow in the Church? Why should he give his Authority to Temporal Usurpers, and deny it to Spiritual? Are not Bishops *de Facto* as good as Kings of that Denomination? To put the Case more home, and to draw it into a narrower Compass. Let us suppose, according to *St. Cyprian's* Principle, every See independent of each other; and that a lawful Bishop is deposed by his People, and another chosen and consecrated by the Presbytery, (who are the Spiritual Estates;) and nothing of the usual Solemnity omitted. Now I desire to know whether the New Man is a Bishop, and has a Divine Right to govern the Diocese? If the Doctor says Yes, he contradicts the Universal Church, and destroys the Episcopal Authority.

Rom. 13. 1.

Authority. If he says, No; I would gladly hear his Reason. The Person we are speaking of, is generally submitted to, and called Bishop, and wears the Episcopal Habit; and had all the Ceremonies performed at his Consecration; and is disown'd by none but a few obstinate People, and what would you have more? If you say the Clergy were under Ties of Canonical Obedience to their former Bishop; that neither They nor the Laity, have any Power to depose their Bishop, or to ordain a new One; that such Proceedings are contrary to the Fundamental Laws of Church-Government, and subversive of its Monarchical Constitution. This is all Truth I grant; but am afraid it will disoblige the Doctor's Argument. For, under Favor, are not the States bound by natural and sworn Allegiance to their King? What Right have the Members to depose the Head, and Inferiors to displace their Supreme? And what Law is there to chuse a Prince in an Hereditary Kingdom? By what Authority do they *do these things?* And *who gave them this Authority?* I put these Questions to the Doctor, because I hope he will be so kind as to take them for no more than Enquiries.

Matth. 21. 23.

Alleg. p. 6.

Ep. ad Corinth.

Euseb. Hist.

Eccles. Hist.

Alleg. p. 6.

Id. p. 9.

Alleg. p. 14.

Id. p. 12.

Farther, By the Doctor's Assistance it may be urged. That in the first Ages of Christianity, Bishops were nominated by the Holy Ghost, (*as Kings were in Israel*) and Elections apparently governed by Miracles and Inspiration; as we may learn from *Clement Romanus*; And as it hapned afterwards in the Case of *Fabian Bishop of Rome*. But now since Miracles are ceased, *God does that in the Church by his Providence, which he did at first by express Nomination*. Therefore though one Layman should consecrate another, his Episcopal Character ought to be acknowledged, (against the Canonical Bishop) provided the *great Body of the Diocese has submitted to him; and the whole Administration of Ecclesiastical Government is in his hands; and every thing is done in his Name*; and *those who won't submit can be crushed by him*. And if any one objects against this Bishop *de Facto*, I hope the Doctor's parallel Reasons will satisfy him! For first, Here is as good a spiritual Settlement according to our Author's interpretation of that word, as a Man would wish. To go on. No Man can make himself a Bishop any more than a King, *wherby God will or no. God is then said to set up a Bishop, when by his Providence he advances him*

Ibid.

him to the Episcopal Throne, and puts the Spiritual Authority into his hands. All Events are directed, and determined, and over-ruled by God; So that it's plain, that all Elections of Schismatical and Heretical Bishops, were over-ruled by Providential Appointment. Besides, if there was any distinction between God's Permissions and Appointments; yet we ought in reason to ascribe the Advancement of Bishops, to God's Decree and Counsel, because it's one of the principal Acts of Providence, and which has so great an Influence upon the Government of the Church, and the Salvation of Mens Souls. And if he decrees any Events, certainly he peculiarly orders such Events as will do most good or most hurt to the Church.

Ibid.

Ibid.

From the Absurdity of this way of Reasoning, it evidently follows, that the Author to the Hebrews must be interpreted of Lawful Rulers, though the distinction is not expressed. And since the Scripture, by undeniable Consequence, teaches us not to submit to those who govern in the Church without Right, we ought to conclude our Duty the same with relation to the State. It's in vain to urge that this Epistle was written after that to the Romans; and therefore St. Paul could have no reference to it. This Objection must vanish before those who own the New Testament written by the Holy Ghost. For whatever is dictated by Inspiration, must be coherent and uniform; especially when Duties of a moral and unalterable Obligation are delivered. So that unless the Doctor can show a disparity between Church and State, such a one I mean as destroys all proportion of Reasoning from the one to the other, he must grant that those Higher Powers mentioned by St. Paul, are to be understood only of those who are Lawfully such.

Rom. 13. 1.

Vindic. p. 57.

I now perceive by the Doctor's Vindication (which I did not before remember) that the Author of the Postscript has touched upon this Argument. And since I am somewhat concerned in the Vindicator's Answer, I shall beg leave of the above-mentioned Author to make a short Reply. For as the Doctor has ordered the Matter a few Words will serve.

Ibid.

He says the Cases mentioned, Rom. 13. 1. and Heb. 13. 17. are by no means Parallel. And that the Apostle to the Hebrews had no reason to make any such Distinction, which it was necessary for St. Paul to have done, Rom. 13. if he intended to be understood only of Lawful Powers.

Powers. This he endeavours to prove from the Universality of the Expression. Because St. Paul gives a general Charge to be subject to the Higher Powers, and generally affirms that all Power is from God. To this I answer, That the Text to the Hebrews is as comprehensive as that to the Romans. Obey them that have the rule over you, is an indefinite Proposition, which he knows is equivalent to a Universal. St. Paul it's true affirms all Power is from God: And does not the Author to the Hebrews say, with relation to Spiritual Jurisdiction, that no Man takes this Honour to himself, but he that is called of God as was Aaron? Besides, if all Power is from God, then all Spiritual Power is from him, which makes way for Heretical Intruders, and is a Contradiction to the 13th. of the Hebrews by his own Concession. But if the Words all Power are to be restrained to a particular Sense, the Universality the Doctor contends for is gone. If they must be confined to Temporal Powers, why are they not capable of a farther Limitation? Why should they not be understood only of Lawful Temporal Powers, as well as the Rulers mentioned by the Author to the Hebrews, though with the same extent of Expression, are meant of none but those who are Lawfully ordained?

But the Apostle to the Hebrews knew who had the Rule over them at that Time; and that they were Lawful Ministers; and had he added any such Distinction (i. e. expressly commanded them to submit only to Lawful Rulers) he might have made the Hebrews jealous about the Title of their Church Governors, and spoiled his Exhortation of obeying them. In answer to this I observe, Vind. ibid.

First, That this Inconvenience which the Doctor imagines might easily have been avoided without omitting this Distinction. For the Apostle might have added a Clause, that he did not question the Authority of their present Governors, but only gave them a Caution not to be led away with every pretending Heretick for the future.

Secondly, I observe that the Doctor grants that if the Apostle, or the Hebrews, had known that either Nullity, or Forfeiture, could have been truly objected against the Authority of their Spiritual Rulers, there would neither have been Submission enjoined by the one, nor Obedience given by the other.

Thirdly, I have already proved, and shall do farther, that the Roman Emperors at the writing of St. Paul's Epistle were Legal Princes; and if so, St. Paul (or the Spirit he wrote by) must know it. And as for the Romans, they had as good an Opportunity of being satisfied about their Temporal Governors as the Hebrews had about their Spiritual. And therefore by the Doctor's reason St. Paul might forbear adding the Word *LAWFUL* to *Higher Powers*, because he knew the Emperor's Title to be good, and for fear of making his Subjects jealous by such a *Distinction*. But

Rom. 16. 17.
1 Cor. 11. 18.
19.
2 Cor. 11. 13.
Tit. 3. 10.
Euseb. Eccl.
Hist. lib. 1.

Fourthly, Is the Doctor sure that the Apostle to the Hebrews knew that their Spiritual Rulers were all Lawfully constituted? The Doctor concludes this Apostle to be St. Paul. Now St. Paul complains that there was Schisms and Heresies in the Church in his Time; yet there was false Apostles who transformed themselves into the Apostles of Christ. And is he certain the Hebrews were troubled with none of these? He may please to remember that the Ebionites, Gnosticks, Nicolaitans, and Cerinthians, sprung up in the Age of the Apostles; and most, if not all of them, in Palestine.

Fifthly, Granting the Apostle knew the present Church of the Hebrews was free from unlawful Governors: He likewise knew that other Churches were not; and that even this would not be always in so good a Condition. Now if the Apostle wrote for the Instruction of all Ages and Countrys, (and I hope the Doctor will not limit the Authority and Usefulness of the Scriptures to a particular Climate or Country) he could not suppose the Church had always Lawful Pastors; and by consequence the Doctor's reason why he omitted the *Distinction* must necessary fail. For when their Governors were unlawful they ought to think them so, and not be barred up by any Scripture Expressions from a reasonable Enquiry.

Sixthly, I would gladly know the Doctor's reason why Title and Legality must always be expected in Sacred, but not in Civil Authority? Why God allows Usurpers to represent him in the State, and denies this Privilege to those of the same Character in the Church? And what Arguments he has to prove that

that the Jurisdiction of Kings ought to be more precarious, and uncertain, than that of Bishops.

2. This Interpretation of *Rom. 13. 1.* which I am contending for; is supported by the Authority of the Fathers. I shall produce some Testimonies from them.

St. Chrysostom upon the place puts the Question *Τί ληγόντες ἐν αὐτοῖς*. Is every Governor chosen and set up by God Almighty? To this he Answers in the Apostles Name; I affirm no such thing. For I am not now Discoursing of every particular Prince; but of Government itself. The Constitution of Magistracy does indeed proceed from the Divine Wisdom, to prevent Confusion and Disorder. Therefore the Apostle does not say, that there is no Prince of God: But that those Powers that be, are ordained of God. Therefore where the wise Man tells us, that *Prov. 19. 14.* it's God who joyns a Woman to a Man (*ὁ θεὸς ἃ κύνει ἀνδρὰς*) 70 Interpret. *joyns and sets.*) He means no more then that God instituted Matrimony. Not that every one who lives with a Woman, is joyned to her by God. For we see many cohabit sinfully; and not according to the Laws of Marriage. Which is by no means to be attributed to God Almighty's doing. This Comparison without the rest of this Father's Testimony, is sufficient to show that he was far from believing that Power, and God's Authority, always went together. For as a Man and a Woman can't be joyned together by God, though they receive each other with never to much Freedom, unless the Essentials of Matrimony are premised: especially when either of them are preingaged. So an Usurper though he may debauch the Subjects with presents of Flattery, from their former Obligations; yet the whole commerce is no better then civil Adultery, and therefore must not pretend to be Authorized from Heaven.

The next Testimony shall be taken from *Theodoret*, who affirms, That the Power of unjust Men (as all Usurpers are) *Theod. in Loc.* does not proceed from God's Choice, but only the Dispensation of Government in General. Now if unjust Powers, or Usurpers, are not chosen, or delegated by God, then they can have none of God's Authority. For no Man can have God's Authority, Alleg. p. 13. but he to whom it's given: Bare permission to Govern,
(as

(as the Doctor goes on) will not do. And yet this is all Theodoret allows to such unqualified Persons.

In Loc.

Occumenius, and Theophylact, express themselves to the same purpose with St. Chrysostom. Only they add, *That all kinds of Power whatsoever are Orderly, (as Theophylact has it,) Ordained by God. Whether it be that of a Father over his Children, or a Husband over his Wife, &c.* Now these two Jurisdictions of Father and Husband, are on all hands granted to be unexceptionable; and founded in the Laws of Nature, and Revelation. And since these Fathers have made their instance only in Powers confessedly Lawful. We have Reason to believe they understood the Apostles *Higher Powers*, in this sense; had they given us no other Argument which it's evident they have.

Alleg. p. 11.

These Testimonies of the Fathers, not to mention others, together with the concurrent Sense of our own Divines, the Doctor is pleased to call a *Common Evasion*; And tells us, he knows not what they mean by *Civil Authority*; unless it be that God intended that Mankind should live under Government. And is not this a sufficient meaning? No. *This does not prove that all Power is from God, unless those who exercise this Power (which he must mean by Authority) receive it from God.* Right! And is the Doctor offended at this? Is he angry because they don't contradict themselves, which they must have done, if they had asserted Successful Violence had a Divine Commission to act by. Their maintaining *Civil Authority* to be of *Divine Institution* with an Exception to particular Persons, proves that all *Legal Power* is from God; and that they took *Power*, not for meer Force, (as the Doctor does) but under the Notion of Right and Authority.

Luke 22. 53.
Ephes. 6. 12.

If the Doctor is resolved to stick so very close to the Letter, I am afraid it will carry him to a Construction he will not approve. What does he think of the Kingdom of Satan, is not that called the *Power of Darkness*? Will the Doctor say, *these Powers are ordained by God*? I hope he is not so much strained for Government, as to make the Devil a Magistrate.

3. The interpreting the Text in dispute only of *Lawful Powers*, is agreeable to the Sentiments the generality of Mankind had of Usurpation at, and before the Apostles time.

I shall give some Instances out of the most famous Governments in the World, by which it will appear that Mankind has always had a very unkind Opinion of Usurpers. And notwithstanding their Success, they have not thought them so much the Favourites of Providence; nor their Calling so Divine, as we are lately made to believe.

To begin: "*Astartus*, Contemporary with *Rehoboam*, recovered the Kingdom of *Tyre*, after it had been held twelve Years by Usurpers, as *Sir Walter Raleigh* informs us. It *Raleigh Hist.* seems these *Tyrians* knew nothing of the Divine Right *P. 295.* of Possession, from whence I conclude it's no innate Principle.

The same Author observes, that "the ten Tribes did never Id. p. 298. forbear to revenge the death of their Kings, when it lay in their Power, (of which he gives some Instances) nor approved the good Success of Treason, unless Fear compeld them. So that it's plain when they did comply, it was Interest, not Duty which engaged them. From whence it follows, that they were as much unenlightened as to this Point, as the Heathenish *Tyrians*."

To continue the Argument, the counterfeit *Smerdis* was in possession of the Empire of *Persia* for some Months: who after he was understood to be an Impostor, the Princes of the Blood immediately removed him; which practice of theirs is mentioned by *Justin* with Commendation. And the just odium *Just. l. 1.* which Usurpation lay under, was probably the Reason why this Usurper's Government is pretermitted, and not reckoned Scaliger de by itself in the Chronological Accounts; but added to the Emend. Reign of *Cambyfes*, as the Misrule of *Cromwel* was to that of *Temp. p. 403.* King *Charles II.* *Animad. p. 90.*

From *Persia*, let us travel homewards into *Greece*, and to the Demost. adv. most polite part of it *Athens*; where we shall find the Memo. Sept. p. 382. ries of *Harmodius* and *Aristogiton* honoured, and their Families Gell. Noct. exempted from paying Taxes, for delivering their Country Att. l. 9. c. 2. from

Thucid. l. 6.
p. 430.
Just. l. 2.

from the Tyranny of *Hippias*, who broke in upon their Government, and was expelled by the *Athenians* after several years Usurpation.

The learned *Bodin* gives us the Sense both of the *Greeks* and *Romans*, in this matter as fully as can be desired.

Plot. in Arat.
& Timol.

I. He defines a *Tyrant* (or *Usurper*) to be one who unlawfully seizes upon the Government. And then adds: Such a Person the *Laws*, and *Writings* of the *Antients*, command to be slain; and propound the highest Rewards to those who can dispatch him. Neither in such a Case are the Qualities of the Person considered, or any distinction made between a kind, and a cruel *Usurper*.— Let this therefore be laid down as an undoubted truth; That whosoever in a Monarchy shall wrest the Government from the Lawful King, or shall set himself up for a Prince, where the Supream Power is by the Constitution in the People, may be lawfully killed by all, or any Person of the Community. And for this Conclusion he Quotes the *Lex Valena* among the *Romans*.

Bodin de
Repub. l. 2.
c. 5. p. 207.

And *Solon's Law* at *Athens*; which was not much different from the other. And that this Doctrine concerning Tyrants might not be prejudicial to Rightful Governors, under pretence of Maladministration. He takes care to subjoin: That Lawful Princes, where they are Supream in their Government: Such as they are in *France*, *Spain*, *England*, &c. Are not to suffer in their Dignities, Fortunes, or Lives, whether by Force, or

Id. p. 210.

Formality of Justice; though they are never so flagitious, and oppressive. These passages I have cited from the *Greeks*, *Romans*, &c. not that I approve of their expedient of Assassination, but to show what an Aversion they had to Usurpation. Alas! They were perfectly to seek in the modern Doctrine of Possession. They never dreamed that Violence, and Right, were words of the same signification. Or that the continuation of an injury, could give an Improvement of Title, and supply the defect of the first Injustice. They believed that the property of Crowns, and Scepters, was at least as well fixed, as that of private Persons, and that it was not in the Power of Violence and Treason to take it away. These Observations are sufficient to prove, that unless we will make *St. Paul* clash with *St. Peter*; and contradict

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readict other plain Texts and Inferences from Scripture. Unless we will Expound the Text contrary to the Fathers; run counter to the Sentiments of Mankind in general; and debate Christianity below the Justice and generosity of Hea-thenism; we must understand St. Paul's *all Power*, of all Legal Power: And therefore I think there was as little Reason as Decency, in the Doctor's making so bold with the Apostle; as to say, *That he ought* (i. e. God ought) *to have made an express distinction between Legal and Illegal Powers*; Alleg. p. 19. otherwise no body could reasonably have understood him that he meant only the first. As to the difficulties which he imagines will follow from this Interpretation, viz. *It will be necessary for Subjects to examine the Titles of Princes, and to be well skilled in the History and Laws of a Nation.* Ibid.

I Answer,

1. That all these Inconveniencies (as the Doctor reckons them) the *Jews* were liable to, under the Family of *David*. Upon which he owns the Crown was so firmly entailed, that it could not be defeated by Usurpation. This Entail was made by God's Appointment. And does God put his own People upon all these intolerable Inconveniencies? Did his infinite Wisdom fix the Government upon the most incomprehensible Basis? Does God use to oblige Men to determine Disputes above their Capacity; to lead them into *Labyrinths of History*, and *Perplexities of Conscience*? I suppose the Doctor does not imagine the *Jews* were all inspired with the knowledge of *David's* Family, and of the elder Branches of it; and yet we don't read they were ever at a loss about it, but found the right way to their Sovereign easily enough: And so doubtless they may do in other Countries, without the Doctor's Assistance. It requires no great reach of Understanding to resolve all the Questions incident to this matter. A Man needs not be any great Lawyer to tell whether he lives under a Monarchy, or a Commonwealth. It's no difficult matter to distinguish the King from a Subject, especially in a Country where the Oaths of Allegiance and Supremacy are almost universally taken. There are very few People with us so ignorant, as not to know that it's Treason to take up Arms against the King.

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And

Alleg. p. 19.

And as for the Right Heir to the Crown, he is generally as easily known, as the *Louvre*, or *Whitehall*. One would have thought that since God, by immediate Designation, has given the Royal Authority to a particular Family; and tied the Obedience of the Subject to Legal Right, the Doctor would have concluded that an Adherence to Legal Right was most for the Advantage of Society. And not have given us Reasonings which reflect upon the Divine Model; and which suppose the Seat of Authority much more unaccountably fixed in the *Jewish* Government, than in those of meer humane Contrivance. But *the Legality of Princes Titles, is a great Dispute among Learned Men; and how then should Unlearned Men understand them?*

1. He may remember that himself, and the generality of the Learned in this Kingdom, had not long since very different Thoughts of the present Controversy, from what they now have; and whether their Improvements in Learning, or some other Reasons, have altered their Opinion, is a great Question.

Page 20.

2. Can *Unlearned Men understand* nothing about which the Learned differ? Then without doubt they are not bound to understand the Creed. For there are, and always have been a great many Learned Jews, and Heathens, and Hereticks, who dispute about these Things. Nay, why should they believe any Religion at all, since there are several Learned Atheists who deny it? What he adds concerning the Title of the Roman Emperors, *which for many Ages together were either stark nought, or the very best of them very doubtful*, is of the same Complexion with the rest; For

1. The Emperors Titles when St. Paul wrote this Epistle to the *Romans*, (which is the time pointed at by the Doctor and the Controversy) could not be *stark nought for many Ages together*, because at the time of the Apostle's writing, the Empire itself was little more than One hundred Years standing.

2. What Authority does the Doctor bring to shew the Emperor's Titles defective? Why none but his own: Indeed he had no other; for if we consult the Historians who treat of this

this Argument, we shall find the matter quite otherwise than our Author represents it.

Tacit. Annal.
lib. 1. Ed. Lipf.

The Reader may be satisfied from Tacitus, that *Augustus* and *Tiberius* were chosen by the Consent of the People and Senate. The Consuls, Senate, Army, and People, swore an Oath of Allegiance to *Tiberius*. If part of this Author's Works had not been lost, we might no doubt have received the same Testimonies from him concerning the Titles of *Caligula* and *Claudius*. For *Dion Cassius*, an Historian of unquestionable Credit, speaks home to all four. He tells us, That the whole Senate pressed *Augustus*, by earnest Entreaties, to take the Sovereign Authority of the Empire to himself. *Tiberius* was likewise made Emperor by the Importunity of the Senate, and Consent of the People. *Caligula* and *Claudius* had the same Charter for their Authority: For as the same Author informs us, They received the Empire by the Choice of the Senate, and Army. I might cite *Suetonius*, who is full to the same purpose, were not what is already alledged sufficient for the Point in hand. However there is one thing in *Cassius* very remarkable, which shews how comprehensive and absolute the Emperor's Power was. For all other great Branches of Authority which lay before dispersed in several Offices of State, were annexed to the Imperial Dignity. The Emperors used to be Consuls, Tribunes of the People, High-Priests, Censors; and out of the Jurisdiction of the City, they are called Proconsuls, and are *Legibus Soluti*, i. e. above the Punishment of the Laws. Now if the Senate and People, who had the Right to dispose of the Roman Government, resigned themselves and their Authority into the Emperor's hands, what should hinder the Title of these Princes from being unquestionable? Nothing can be plainer than that as *Bodin* affirms, The People may give away all their Right to govern if they please. And adds agreeably to the foregoing Testimonies, that the *Lex Regia* was understood in this Sense.

Ibid. p. 7.

Dion. Cass. lib.
53. p. 503.

Id. lib. 57.
p. 602, 603,
606.
Id. lib. 59.
p. 640 lib 60.
p. 664. 665.

Id. lib. 57.
p. 507, 508,
509.

Bodin. de Rep.
l. 1. c. 8. p. 52.

This is so evident that the Doctor himself is forced to confess it, though in lame imperfect Language. The Emperors he grants did gain some kind of Consent from the Senate. And if their Consent was once gained, it's to no purpose to Object the indirect Methods of obtaining it; for allowing it

- Alleg. p. 21. was excoriated by Fear, or Flattery, or other Arts; this is not sufficient to null the translated Authority. That when once resigned is past recall. It being then too late to plead that a Man was wheedled, or frighted out of his Consent. This the Doctor very well understood, and therefore tells us that the Romans themselves were great Usurpers; and therefore I suppose had no Right to translate. But this Objection I have already answered in the Dispute concerning the Convocation-Book. And since the then present Powers were Legal Powers, the Apostles Direction was very significant to Christians of other Ages; from which they ought by parity of Reason to conclude it was their Duty to submit to none but Lawful Governors.
- Ibid.
- Ibid.

What he urges from Scripture of the Jews being bound to submit to the four Monarchys has been considered in the foregoing Section: As for his saying they were *Manifest Usurpations*; and yet set up by the Council and Decree of God; and foretold by a *Prophetick Spirit*: This comes short of the Case, unless he has any Prophecies to produce in behalf of the Revolution. Besides his Argument proves too much; which is a sign it's of kin to the Emperor's Titles *stark noughts*. For our Blessed Saviour's Passion was decreed by the Counsel of God, and foretold by Prophecy; and yet I conceive the Doctor is not so hardy as to affirm, the Jews and Romans had a *Divine Right* to crucify him.

Alleg. p. 21. But we have no Example in Scripture that any People were ever blamed for submitting to the present Powers, whatever the Usurpations were. To this it may be Answered.

1. There are a great many Actions in the History of the Scriptures unquestionably unlawful; which notwithstanding are mentioned without any Censure upon them. Thus neither Noah, nor Lot, are blamed for their Intemperance; nor Rebeckah, for teaching Jacob to gain his Father's Blessing by Deceit: And to come nearer the point, Absalom is not directly blamed for Rebelling against David; and will the Doctor conclude from hence, that he did well in it? The Reason why the Scripture does not condemn every irregular practice is, because it supposes Men endowed with Principles

ciples of Natural Religion and Morality: which teach them to distinguish between Good and Evil; and that they are to take their Measures of Virtue and Vice, from the Rules of Reason and Revelation; not from Precedent and Example.

2. We may Observe, that in the Usurpation's upon the Kingdom of the Ten Tribes, it was the Custom of the Usurpers to destroy the Family of their Predecessor: And when there is no Competition from a Legal Claim, Possession is a good Title. And therefore it's no wonder the *Israelites* were not blamed for submitting to the present Powers; for in that Case they were Legally Established. And as for the House of *David* it was never set aside by Usurpation till the Time of *Athaliah*. Now after *Jehoiada* had discovered that their Legal Sovereign *Jash* was living; I desire to know of the Doctor whether the *Jews* were bound to submit to *Athaliah's* Government, or not. If he says, ycs. He not only condemns *Jehoiada* for Deposing *Athaliah*; but makes the Divine *Entail* upon *David's* Family, upon which he lays so much stress, signify nothing. If he says, no; he gives up the Argument: For then we have undoubted Principles of Scripture; which condemn a Submission to Usurpation; which are much safer Rules, than Examples for Conscience to rely upon.

The Doctor proceeds to prove that Obedience is due to Usurpers when they are seized of the Administration of the Government; from our Saviour's Answer to the Pharisees and Herodians concerning Tribute Money, *Render to Caesar* Matth. 22. 21.
the Things which are Caesar's.

Before I give a distinct Reply to this Objection, it will not be improper to consider the occasion of the Text: Now we are to observe that the Pharisees and Herodians, enquired of the Lawfulness of paying Tribute to *Caesar*, not out of a desire of Instruction from our Saviour but to entrap him. They proposed an ensnaring Question concerning Tribute; a plain Catagorical Answer, to which they knew must of necessity provoke either the Roman, or the Pharisees Party against him. This our Blessed Saviour calls an Hypocritical

critical tempting of him. And since the Time of his Passion was not yet come; we may conclude he intended to avoid the danger of the Question; not by declining it, but by giving an Answer of an Obscure and uncertain Sense. Upon which no Charge could be grounded, because of its Ambiguity. This the Proposers well understood; They knew they could not fix any determinate meaning upon our Saviour's Words, which made them Marvel at the prudence of his Answer, and leave him: Whereas had he plainly resolved the Question either way, they had gained their intended advantage upon him: And since there was a designed obscurity in our Savior's Answer, as being most proper to secure himself; and to discourage the Malice of those who came to entangle him; it's unreasonable to draw any Conclusions about Government from thence; especially such, which not only contradict other plain places of Scripture, but are repugnant to the Notions of common Justice and the sense of Mankind. Having premised this I Answer,

1. That the Doctor by this Argument of Tribute should have come in to the Revolution when the new *Money* was first *Coynd*; as he has been told already.

2. *Cæsar* as I have proved was the Lawful Prince of *Judea*; and the right Owners of the Sovereignty, as well as the Jewish Nation, had submitted to him. And since he was not only possessed of the Government but of the Title to Govern, the Right of Coinage belonged to him; and when this Prerogative of Royalty was produced by the Pharisees, it's no wonder to find his Right to Tribute inferred from thence. The Doctor urges, That *our Saviour's Argument* relies wholly on the Possession of Power. And if this be a good Reason, it's good in all Cases of Possession. Say you so Sir! Then *Ashbalab* ought to have been obeyed notwithstanding *Joash* his Title; if she could have kept the *Mirr*, and the Power in her Hands. Now if this be not true, as the Doctor must grant, then our Saviour's Argument does not rely wholly on Possession, but upon Right to Possession. For that the Divine Entail of the Crown upon *David's* Family does not make the Case exempt, and particular, has been shown already.

Alleg. p. 21.

3. We

3. We are to observe, That our Saviour left the Civil Rights of Society in the same State he found them. He did not intend to alter the Laws of Common Justice, to weaken the Titles of Princes, and put them into a worse condition than private Men. So that if according to the Principles of Reason, and the Laws of particular Kingdoms, whoever has a Right to the Crown; ought to have the Obedience of the Subject; we cannot conclude our Saviour's Answer has made any alteration in the Case.

4. If the Royal Image and Superscription always supposes Possession, and infers Obedience, His Majesty at St. Germain is still the Doctor's Sovereign; And he ought to have continued his Submission to him, till his Money had been cryed down. And which is more surprizing, the Subject must be bound to *two opposite and contrary Allegiances* as long as the Alleg. p. 14. Coin of the two Contelling Princes is current among us; which the Doctor owns to be an impracticable Absurdity.

What he observes concerning the Prophecy of the Four Mo- Pag. 22.
narchies not being at an End, is somewhat surprizing. All People agree, that the Roman Monarchy has the last of the Four, and that has had its Period long since. Now it's a little strange that Events should be foretold concerning Things that are not; And that the Prophecies concerning the Four Monarchies should extend to greater lengths of Time, than the Monarchies themselves. But what if the Four Monarchies were not at an End? Must we comply with all successful Disorders, under pretence of *fulfilling Prophecies*, though we neither know their Meaning, nor the Time of their Accomplishment? Does God need the Wickedness of Men to bring his own Counsels to pass? Doubtless he who has Omnipotence in his Hand, *can change Times, and Seasons; set up Kings, and remove Kings*, as in his Wisdom he thinks fit; without obliging the Subject to break the Laws of their Country, and to fail in their Allegiance when it's most needed. God, in *whose Hand are the Hearts of Kings*, who has the disposal of Life and Death, of the Passions and Tempers of Men, may change his Representatives as often as he pleases; without pitching upon such Methods which without a Revelation, must of necessity in a great

great measure confound the Notions of Right, and Wrong ; encourage Violence, and weaken the good Correspondence, and mutual Securities between King and People. But the continuation of the Doctor's Reason for Compliance, is still more extraordinary, viz. *Under the Fourth Monarchy, the Kingdom of Antichrist is to appear, and the Increase and Destruction of the Kingdom of Antichrist is to be accomplished by great Changes.* And are we obliged to comply with every Revolution, to swim down every Tide of State, for fear the Kingdom of Antichrist should not increase fast enough? Are we as much bound to support Violence, and clap Justice under Hatches ; as the Jews were to obey the express Orders of the Prophet Jeremiah ; only because the Doctor fancies, the Prophecy of the Four Monarchies is not at an End? If this be not *Enthusiasm*, which the Doctor denies ; pray God it be not something worse.

Ibid.

Ibid.

Page 12.

Ibid.

But to consider his Argument more fully, I must go back to his 12th Page, where he gives in his Reasons to prove, That *now God governs the World, removes Kings, and sets up Kings, only by his Providence.* By which he means nothing but Force and Success ; let the means by which they are gained be never so unaccountable. These Advantages though they come from Hell, are always attended with Divine Authority, and draw the Allegiance of the Subject along with them. And because Sovereign and rampant Wickedness sounds but harshly, and is very unlikely to have the Entail of all these Privileges, he gilds it over with the pompous Name of Providence. This, he says, is *God's Government of the World by an invisible Power : whereby he directs, determines, and over-rules all Events ; in distinction from his more visible Government, by Oracles, Prophecies, &c.* So that now it seems neither Scripture, nor Law, nor Reason ; signifie any thing towards the stating the Right of Kings, and the Obedience of Subjects. No : We must submit to the Infallibility of the Sword, which is the only proper Judge to decide all Controversies of State, (and why not of Religion too.) We must conclude, that all Civil Confusions, all Publick Injustice, though never so horrid, is directed by God Almighty. And all Events, how impious soever they may be in their

their Causes and Consequences, are determined and over-ruled by his Providence. To fortify this extraordinary Position, he attempts to make God's Permissions and Approbations the same, as to Events: Though the Distinction between these two, is both necessary, and generally acknowledged. But to make God, as the Doctor does, the Author of all the Good or Evil *Ibid.* which happens either to private Persons, or publick Societies, is an untrue, and dangerous Proposition. For

First, It's a Contradiction to plain Scripture.

Secondly, It makes God the Abetter and Maintainer of Sin.

Thirdly, It destroys the Notion of his Patience.

1. It's a Contradiction to plain Scripture. For though the Doctor affirms, That the Scripture never speaks of God's bare Permission of Events; these following Citations, not to mention any more, will shew he is mistaken. For don't we read that the Devils besought our Saviour that he would suffer them to enter *Luke 8. 32.* into the Herd of Swine, and he suffered them? Now by the Doctor's Principle, our Saviour must either have forced the Devils into the Swine, or at least have raised their Inclination to enter, and concurred with it. But the Scripture speaks no such Language. It affirms no more than a bare Permission of the Devil's Malice. Another Proof to confirm the Distinction between what God does, and what he permits, as to Events, may be taken from *Acts 13. 18.* where God is said to suffer the Manners of the Israelites forty Years in the Wilderness. He did not, as the Doctor's Proposition supposes, direct them in the making of the Golden Calf: He did not determine their Idolatries, nor over rule them into all their Murmuring and Disobedience.

Farther, Was not the destroying *Jeb's* Cattle and Servants, and the afflicting his Person, an Event? And will our Author say, That all this was brought to pass by the Influence and Direction of Providence? And that the Devil would not have used *Jeb* thus hardly, if he had not been over-ruled by God Almighty? I am sorry the Doctor should support his new Scheme of Government with such Divinity as this.

2. To suppose no Distinction between what God permits, and what he does, with respect to *Events*, destroys the Notion of his Patience. For Patience supports Aversion or Dislike, to Things or Persons: But no omnipotent Being can be said to suffer, or be displeased, with those *Events* which he promotes, and brings to Maturity and Effect. It's unintelligible Sense to say, God *bears* with his own Decrees; and *suffers* those Things which he determines and overrules.

3. This Opinion makes God though not the first Contriver, yet the Abetter and Maintainer of Sin; as will appear if we consider the plain English of *directing*, *determining*, and *overruling* an *Event*. To *direct* an *Event*, is to put it into the road of Success. And he that does so is an Accessary to it, and a Party to the Quality of the Action. To *determine* an *Event*, must be nothing less, even in the Author's Sense, than a Divine Decree that such Things shall come to pass by the help of fixed, and particular, Means and Circumstances. And therefore the Commendation or Blame of the Action must belong to him by whom they are appointed. Lastly, By *overruling* an *Event*, the Doctor must mean a Change, either in the Circumstances or Success of the Action; by which it is diversified from what it would have been, had it been left to the Conduct of inferior Agents. And then by consequence if the Event is accomplished by ill Means, the Over-ruler is accountable. For his Interposal has distinguished the Kind of the Event; and given Life, and Form, and Complexion to it. God indeed does sometimes *over-rule Events*; i. e. he restrains the Wickedness of Men, and hinders them from doing so much Mischief as they would do otherwise: But to affirm, That he prompts them to the Violation of his own Laws, and inspires them with Courage and Conduct to be successful in Disloyal and Treasonable Enterprizes, is very singular Doctrine; and has been seldom thought proper to explain any part of the *unsearchable Wisdom of Providence*, till the Disturbances under King Charles the I. and Cromwell's Usurpation. I confess in those Times this Doctrine of Providence was very much in Vogue. And that the Doctor may not seem to argue with-

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out Precedent, I shall quote some of the Learned in Rebellion for his Opinion.

¶ 1. "The Prentices and Porters (as Palmer has it) were stimulated and stirred up by God's Providence to Petition the (rebellious) Parliament for speedy Relief. Palmer to the Earl of Essex, Esq. Ded. 1644.

Cockain, in his Sermon to the Commons, discoursing concerning the King of Syria's coming against Israel, and being taken Prisoner, makes this Inference; viz. "That the Mind of God was (which he discovered only by that present Providence) that Justice should have been executed upon him. This passage he applies to encourage them to the Murder of the King, who was then in their Hands. Sermon Nov. 29. 1648.

"Some Persons (says the Sufferers Catechism) may be stirred up to do some Things, which are not in themselves so just and seemingly Warrantable, (at least in all Circumstances) which yet the Over-ruling hand of God may be in; as in Moses killing the Egyptian. Pag. 32.

The next Testimony is Dr. Owen's, which to give its due is very moving, and had without doubt a considerable Effect upon the Army-Saints.

"Where is the God of Marston-Moor, and the God of Naseby, was an acceptable Exposition in a Gloomy day. O what a Catalogue of Mercies has this Nation to plead by in a Time of Trouble! God came from Naseby, and the Holy One from the West. Selah. Dr. Owen's Ebenezer, p. 13.

Jenkins in his Petition, is no less full to the Doctor's purpose; For, without mincing the matter, he does not stick to affirm, "That a Refusal to be subject to this Authority, (i. e. to the Rump and Cromwell) under the pretence of upholding the Title of any one upon Earth, is a Refusal to acquiesce in the wise and righteous pleasure of God. The same Doctrine you may find, in his Conscientious Queries. tit. 1651. P. 2, 1651.

Milton, in his Eikonoclastes, speaking in Justification of the King's Murder, tells us, "That God has testified by all prophetic and evident Signs (that is, by over-ruling Events) whereby in these latter Times (instead of Oracles, Prophecy, Alleg. p. 12. or express significations of his Will) "he is wont to testify what pleases him; that such a solemn, and formerly unexampled

Elizox.
p. 237.

Petit. Oct.
1651.

Sermon at
Exeter to the
Judges. March
23 1650.
Pag. 24.
Dan. 2 21.
4 17.
Saunders. lb
p. 13, 16, 19.

"Act of due Punishment, was no mockery of Justice, but a
"most grateful and well-pleasing Sacrifice.

Let *Jenkins* speak once more for the Cause. He delivers
himself thus: "God's Providence, that is, his permission of
"Events, and Success, are antecedent Declarations of his
"good Will, and Approbation. Which comfortable Doctrine
he applies to the Commonwealth.

To conclude. *Saunders* is admirable in his Descant upon
Rom. 13. 1. where within the compass of one single Question,
he determines the great Dispute on the Doctor's side, "*There*
"*is no Power but of God.* Is not, says he, the late King, with
"his Heirs and Successors, dispossessed by God? Besides, he has
several other choice Observations. For he founds Authority
in providential Power. He answers the Objection concerning
Atalsab the Doctor's way. He quotes his Texts of Scripture
to the same purpose. And presses Obedience to the Common-
wealth, from their having the Administration and Force of
the Kingdom in their hands.

Thus I have given a small Catalogue of the Doctor's Wor-
thies; *These are the Chariots of his Israel, and the Horsemen*
thereof. And were I not reasonably assured that the Doctor is
both well inclined, and furnished, for this Argument; I should
suspect he had borrowed some of his Artillery from the Au-
thors abovementioned, their Thoughts, and even their Expres-
sions being so like his own.

What the Doctor urges upon this occasion in pursuit of his
Point, is as remarkable as any thing we have had yet, viz.
"Alleg. p. 12. *God permits Men to do wickedly, but all Events which are for the*
good or evil of private Persons, or publick Societies, are ordered by
him. He permits Men to do wickedly, &c. Now one would
think we had gained a distinction of the usual Latitude from
the Doctor, between what God does, and what he permits.
For Permission signifies a liberty of Action. And where there
is such a Freedom, it's a Contradiction to say the Agent is de-
termined by any Superior Power. And if the Agent is free,
the Action or Event must be so too. For an Event is nothing
but an Execution and Train of Actions. No: The Doctor
will tell you, That Events, notwithstanding are ordered and

over-ruled by Providence. That is, though God permits them to do wickedly, yet all *Events*, i. e. every thing they do is over-ruled by him. Which is in other words, to affirm that Liberty, and Force, or Necessity, are the same things. If the Doctor meant nothing more by God's *ordering Events*, then that by his Willdom he draws Good out of Evil; and makes the Wickedness of Men tend to the promoting his own Glory, and the happiness of his Servants. This Construction would be Orthodox and Intelligible; but then it will do him no service. This Sense will give no Divine Right to Rapine and Robbery. Nor set Providence at the Head of every Usurpation. This the Doctor knew very well; and therefore enlarges his Principle accordingly. But with what Reason, and Consistency the Reader may judge. As for the Text which he cites from *Amos*, *shall there be Evil* Amos. 3. 6. *in a City, and the Lord has not done it?* This place is meant only of the Evil of Affliction, and therefore is foreign to his point. It does not make God the Patron of Injustice; nor imply his over-ruling Men into wickedness. If we had no Authority on our side, common sense ought to make us avoid such an unaccountable interpretation. For the Scriptures ought not to be to expounded as to contradict the natural, and unquestionable Notions of the Divine perfections. This is the Reason those expressions are counted Figurative which attribute Hands, and Eyes, and other Corporeal parts and Affections to God Almighty. Now Men had better degrade him to the Littlenesses of Body; than make him a party in unjust undertakings. For natural Imperfections are a far less blemish to a rational being, than those which are Moral.

And, though the forementioned sense is sufficiently confirmed from the Reason of the Thing; it may not be improper to produce the concurrence of some of the Antient and Modern Interpreters.

St. Hierom tells us: "That the Evil which the Lord does in Am. 3. 6. "in the City, is not contrary to Virtue, but imports Affliction and Calamity; in which sense we read, *sufficient for the day*

Jonah 3. 10. "Day is the *Evil thereof*. i. e. The Hardship and Tribulation:
 "Let us take an instance from the Prophet *Jonah*. And God
 "saw *their Works* that they turned from their *evil way*; and God
 "repented him of the *Evil* that he said he would do unto them:
 "Whereby *Evil* is only meant the threatened destruction of
 "*Niniveh*: not any thing which carries an opposition to
 "probity, and virtue.

Comment. in "St. *Cyrill of Alexandria* Speaks to the same purpose. "By
 Amos, Tom. 3. "these words we are to understand some *Evil in the City*
 p. 279. "proceeding from God Almighty; but not with any resem-
 "blance to wickedness. God forbid! No. The Phrase is to
 "be expounded of Afflictions; and the Judgments of God;
 "which he sends for the Reformation of Sinners.

In Loc. "To come nearer our own Times. *Drusus* observes "That
 "Evil employs the Evil of punishment, as the School-men
 "speak, and signifies Vexation, Trouble, and Calamity; in
 Isa. 45. 7. "this sense God is said to *create Evil*. Calamity is in it self
 "no *Evil*, but is so called because it seems such to those who
 "undergo it; or because that which is against the Grain
 "of a Man's Inclination may be called *Evil*.

Episcop. Inst. "Episcopius agrees with *Drusus*, his words are these: "As
 l. 4. p. 305. "touching Physical Evils, which are only misfortunes or in-
 "conveniencies to particular Persons, these in strict speaking
 "are no Evils: And therefore they may without doubt be
 "the objects of God's will; so that he may either send
 "them himself, or suffer them to be inflicted by others.
 And afterwards towards the close of the Argument he cites
 Amos 3. 6. in Confirmation of what he had said.

If the Doctor Replies upon these Expositors, that Afflictions
 are not only sent by the immediate hand of God, but occa-
 sioned by wicked Men; who often cut off Malice, Coverous-
 ness, or Ambition; Defame, Circumvent, and oppress their
 Neighbours; from whence it will follow that if God is the
 Author of all the *Evil* of Affliction, a great many immoral
 Actions must be over-ruled by him in the Doctor's sense.

To this the Answer is plain: Those Calamities which are
 inflicted by wicked Instruments, Providence is no otherwise
 the

the Authour of, than by permitting them. He may be said in a Qualified, Figurative Sense to do that, which he does not hinder by his Omnipotence: But to affirm more than this, that he either excites ill Men to engage in unlawful Enterprizes; or assists them in the Execution; is to charge him with unrighteousness; and makes him partaker of their Sins. And if such Assistance is never given; it's neither true, nor over Pious, to say that *all Events* though begun and prosecuted by never so much Villany, are *determined, ordered*, and made successful by him.

Well! Though the Doctor have lost this Point, he has another Reserve behind. For, says he, *If there were any* Alleg. p. 12. *such Distinction as this, that some Events God permits only; and some he orders and appoints: yet we ought in Reason to ascribe the Advancement of Kings, to God's Decree and Counsel, because it's a principal Act of Providence; and if he decrees and orders any Events, he peculiarly orders such Events, as will do most good, or most hurt in the World. To this I answer:*

1. That God does not chain up the Liberty of Mankind with respect to any Sin; but permits them to do wickedly one way as well as another. And therefore it's no wonder to see Rebellion succeed sometimes. But then we must no more impute such wickedness as this to his Decree, then private Murder, or Adultery.

2. Since Kings are God's *Ministers*, as the Doctor observes, and their Advancement is a principal Act of Providence, we may conclude that God has not put them into worse Circumstances than other Men: That he does not allow Violence to devert them of their Authority. That he has secured their Royalty to them; not only by the common Laws of Justice and Property, but by the indispensable Ties of Allegiance. And not left them to the Courtesie of their Subjects, to be set aside according to the Discretion and Conscience of Phrenzy, Atheism, and Ambition. Such a Liberty as this would make the Doctor's *great Wheels of Providence* jolt into disorder, like those of *Phaeton's Chariot*, and be ready to set the World

Alleg. p. 13.

World on Fire at every motion. As for his saying, *God must order those Events which will do most good or harm in the World.* I will only ask him, What he thinks of the Rebellion in Heaven? That was a very memorable *Event*, and the occasion of as much *good* and *harm* in the World, as any he can almost imagine. Now did God raise a Commotion in his own Kingdom? Did he *order* and *decree* the Revolt of those glorious Spirits, and *over* rule them into damnation? However *we can't but think God will exercise a particular Care in appointing his great Ministers.* Right! But Usurpers are not his Ministers. A bare Advancement to the Throne invests a Man with God's Authority no more, than taking a Purse gives him a Right to the Money. None can have God's Authority but by legal Claim, immediate Designation, or vacancy of Right. And therefore God neither gives his Authority to Usurpers, nor *permits them to take it.* The Doctor goes all along upon a Mistake; as if Force and Authority were the same. He might as well have said, there is no difference between Violence, and Justice; between Reason, and a Whirlwind. Does the Authority of a Father last no longer than the Children are pleased to obey him? And have they a Right to his House as soon as they can turn him out? Is a Wife bound to entertain an Husband *de Facto*? Now if the Privilege of Fathers and Husbands holds in Case of Dispossession, why not that of Kings? Why should Publick Authority, upon which the common Security depends, have a less firm Establishment than that of single Families? If private Disobedience can't challenge a Divine Right to govern upon Success, why should a National Rebellion pretend to it?

Alleg. p. 13.

He goes on to acquaint us; *That to give Authority to a Man does not signify to permit him to take it.* And that no Man can have God's Authority, but he to whom it's given. By which it's plain, he means that no Person can be vested with God's Authority, barely by his permissive Will; but that Consent and Approbation is always implied. But this Proposition is not only Foreign to his Point, (because Usurpers have no Authority from God either one way or other,) but is likewise untrue

untrue and dangerous. For suppose an Eldest Son Murthers his Father privately; in this Case it must be granted he has God's Authority to possess his Estate, and to govern the Family, For he who has a Legal Claim, has by consequence a Divine one; all Humane Laws being ultimately resolved into the Divine Warrant and Appointment. But then I conceive the Doctor wont say this unnatural Murtherer has God's Authority in the Family any other ways than by bare Permission. God indeed suffered him to Murther his Father, as he suffers all other Wickedness. And because the Murther was secretly committed, the Villany turns to Advantage, and the Party becomes Master of his Father's Fortune. But to say that he had God's consenting Authority in this Matter, would sound very harshly; and amounts to no less than God's Approbation of Parricide. For he who absolutely approves the End, without any regard to the Lawfulness of the Means, must consent to the Means though never so Unlawful. And to apply this Remark: An Usurper, when the Royal Line is either Extinct or Surrenders, comes by God's Authority the same way with the forementioned Murtherer. The next rub the Doctor casts in the way is, that unless we take our Governors as they rise, without minding their Titles, *we shall not Ibid. be able to distinguish those God permits only, from those he appoints.* Now this Difficulty is easily removed: For the Constitution of each particular Country will inform us who governs by Permission, and who by Appointment from God Almighty. The Laws of Succession, &c. were made for this purpose, and to prevent Usurpation. So that there is no need of the Doctor's Expedient to teach us to distinguish between *God's King*, and *those who would be so, of their own making.* We need not be at a loss *whom we must obey out of Conscience, and whom we must not obey*; for we have the Direction of Law ready to inform us: The same Direction which there is in private Cases, to know the right Owner from an Intruder. He comes on with the Repetition of his former extraordinary Doctrine; That *by what means sever a Prince ascends the Throne he is placed there by God as truly as if he had been nominated by him, and anointed by a Prophet.* So that Cromwel was as much God's Vicegerent as David; and if so, our Laws are very much to blame for at-

Ibid.

tainting him of Treason, and exposing him to Ignominy after his Death. However the Doctor is sure God never suffers a Prince to ascend the Throne but when he sees fit to make him King. No! Does God suffer nothing but what he sees fit to be done? Does he not suffer all the Wickedness which is committed, for no Man can do an ill Thing *whether God will or no*? And will the Doctor take the freedom to say, that God sees it fit and convenient that men should be Unjust, and Lewd, and Atheistical; that they should disturb the World, and damn themselves? Such Practises as these certainly can never gain the Approbation of the Divine Wisdom, nor seem agreeable to his Goodness.

Pag. 14.

His fourth Proposition gives us another admirable Piece of Politicks; *viz. All Kings are equally rightful with respect to God.* Why so? *Because it's impossible there should be a wrong King, unless a Man could make himself King whether God would or no.* Nay then farewell all Property! For by the help of this Logick I will prove there can be no such Thing as Cheating, Stealing and Oppression in Nature. The Argument lyes thus; All Possession is rightful with respect to God, for it's impossible there should be a wrong Possessor, unless a Man could make himself Master of his Neighbour's Goods whether God will or no. This is comfortable Doctrine for the Gentlemen of the High-way; and were it admitted, would serve to plead off their Indictment. But if this Plea should fail, which is not likely, the Doctor can reinforce them with another. For he has told us, That *all Events which are for the Good or Evil of private Persons are ordered by Providence.* Now is not the taking a Purse, or stealing a Man's Cloaths, an Event? Doubtless it is; and sometimes very much for the Evil of him who looses them. Such Events as these have been very frequent since the Doctor's Book came out. But why he that stole these Goods should be bound to make Restitution, except in point of Generosity, is past my Skill to understand. For if God orders a Man a Sum of Money, it's certainly Lawful for him to keep it.

Pag. 12.

Pag. 14.

His fifth Proposition affirms, That *God is not bound by Humane Laws.* True; But if Men are, it's sufficient for our purpose. For we are not disputing about God's Prerogative, but the Duty

Duty

Duty of Subjects. However, *may not God make whom he pleases King without regard to Legal Rights?* No doubt he may: But then we are to observe, that every Thing which is done is not of God's doing: And the apparent Injustice of an Action, is a very bad Argument to prove the Righteous God had a hand in it. 'Tis true, God is the chief Proprietor of all Things; but it does not follow from hence that whatever a Man can catch is his own. If the Doctor has no supernatural Credentials to produce, he must be contented to let the common Laws of Justice take place: Unless he has a mind to cut the Sinews of all Property; and in a great Measure to destroy the Nature of Right and Wrong.

His sixth Proposition says, *We have but one King at a Time;* which is a good Hearing, were it not misapplied in his Seventh, where he affirms, *That King is the Name of Power, not of meer Right.* Which Assertion is not only contrary to the common Notion of Justice, but to the Language of our own Laws. In which the *Lancastrian* Princes, who though for Kings *de Facto* had several peculiar Advantages; such as a Formal Resignation of the Legal King; a long Silence and Interruption of Claim in the Right Line, which must occasion perplexity of Title when revived; yet these Princes are called *pretended* Kings; and *Henry the VI.* though the third Monarch by successive Descent, is called an *Usurper*; and said to be *rightfully removed from the Government.* So little was our Author's Doctrine of Providence and Events understood in those days. There is something behind in this Proposition which is worth the having, and that is this; *He who has a Legal Right to the Crown, but has it not; ought by the Laws of the Land to be King, but is not.* The Laws of the Land are the Measure of all Property; so that whatever Estate, Title, or Jurisdiction the Laws give any Man, they ought to be acknowledged his own. He that has a clear indisputable Title to an Estate, is nevertheless a Proprietor, for being disseized: And all Persons concerned ought to endeavour to give him Possession.

The Doctor's next Business is to avoid the Charge of *Hobbiſm*, which he had Reason to apprehend would be objected against him: Let us see how he clears himself from this Imputation. Why he says *Mr. Hobbs makes Power, and nothing else, give Right to Dominion.* And Alleg. p. 13. pray does not the Doctor do the same? I am much mistaken if this be not the design of his whole Book. No, the Doctor will tell you, that *Mr. Hobbs* found *God's Right to govern the World in his Omnipotence*: Whereas he makes him *natural Lord of the World, because he*

Ibid.

created it. Under Favor, we are not disputing God's Title to govern, but Man's; which I'm sure the Doctor grounds solely upon Power, as much as Mr. Hobbs. However I desire to be resolv'd this Question, Would God have a Right to govern the World if he was not Omnipotent? If he would, then Right ought to carry it against Power; which is the thing I am contending for. If he would not, then his Dominion depends upon his Omnipotence; and to the Doctor and Mr. Hobbs are perfectly agreed. The Connexion of the Doctor's Consequences are somewhat remarkable in this Paragraph. *God has a Right to govern the World, because he made it. No Creature has a Right to govern any part of it, but as he receives Authority from God. Thus far all is well, but observe what follows. Therefore since Power will Govern; God always gives Sovereign Authority to the Man who has Sovereign Power. Therefore since Power will govern. Wherefore will Power (humane Power) Govern? Because God made the World.* These two Propositions will want a great deal of Cement to fasten them into any Coherence. What! will Power govern whether God will or no? That were hard indeed. Will it govern Right or Wrong? Most certainly. And since it's such a righteous Quality, God always rewards it with his Authority. That is, since ambitious Men will usurp upon their Neighbours Dominions. Since there will be sometimes a general Revolt from Lawful Governors, and a Prince has not personal Strength enough to manage his Rebellious Subjects, therefore that such unjust and treasonable Enterprizes might not be disturbed in their Success, God always gives the Engager his Authority to settle and confirm them; which is no doubt an extraordinary Encouragement. And by parity of Reason may we not say, that since God knows Men will Steal, and commit Adultery; therefore if they are strong enough to get their Neighbors Goods and Wives into their Possession, they have a Divine Right to keep them: For why a lesser Sinner should be denied the security of God's Authority, when its granted to a greater, is somewhat difficult to understand. For all this the Doctor will have it *that Power does not give Right and Authority to govern*; Though his Reason for this Assertion is a demonstration of the contrary. For he affirms that *Power is a certain sign that God has given the Authority where he has placed the Power.* Now if Power be a certain sign of God's Authority, then God's Power and Authority are inseparable; and we may infallibly conclude the former from the latter. And if Power be an invincible

Ibid.

Argu-

Argument to prove the Concurrence of God's Authority ; then Right if God's Authority can give any, may be demonstrated from Power : And if a Right to govern is demonstrable from Power, then Power must give a Right to govern. 'Tis true the Doctor denies Power this Priviledge in the Case of *Anticiburs* ; but this proves no more than a Contradiction of himself. But because the Doctor seems somewhat shy of Mr. *Hobbs*'s Company: I shall endeavour to make them a little better acquainted.

First, They both agree, as we have seen, that Dominion is founded in Power ; which is a fair step towards a good Correspondence. To go on.

Mr. *Hobbs* owns, " That the Right of the Sovereign is not extinguished by a prosperous Invasion, or Rebellion ; yet the Obligation of the Members (the Subjects) is. And does not the Doctor say the same in other Words? *That notwithstanding the legal Right of the dispossessed Prince continues, our allegiance is only due to him who has the actual Administration of Sovereign Power.* " Leviath. p. 174. Alleg. p. 14, 15.

Mr. *Hobbs* says, " The Obligation of the Subject to the Sovereign, is understood to last as long, and no longer than the Power lasts, by which he is able to protect them. Now it will be hard to find any difference between this Maxim, and that which follows of the Doctors. *The preservation of human Society (Right or Wrong, for he takes care not to distinguish upon the Means) is the ultimate end of Government ; and will justify whatever it makes necessary.* And elsewhere ; *I believe no Man in his Wits would take an express Oath, to follow his King into Banishment, or venture being hanged at Home.* " Leviath. p. 114. Alleg. p. 40. Pag. 29.

Again, Mr. *Hobbs* pronounces, that he " Who wants Protection ; may seek it any where, and when he has it is obliged to protect his Protection, as long as he is able. And what does the Doctor come short of this Liberty, in averring, *That we ought in Duty to swear to live peaceably under an unlawful Government. That we ought to give him whom we believe to be an Usurper, the Title of King. To pay him Taxes, and pray for him, because we owe the secure Possession of our Estates to his Government.* " Leviath. p. 174. Alleg. p.

And can the Doctor find in his Heart to quarrel with Mr. Hobbs after all this harmony in Opinion? I hope the Moral resemblance between them, will make him kinder for the future.

Alleg. p. 15.

After the Doctor has argued thus vigorously for Power; one would think he might give up his Notion of legal Right. However he is resolved to keep it against a rainy day; and attempts to answer an Objection against its significance upon his Principles. He tells us, *Legal Right bars all other Human Claims.* No other Prince can *Challenge the Throne of Right.* (which, by the way, is a great Commendation of him that keeps it wrongfully.) The Doctor's legal Right puts me in mind of *Epicurus's Deities*; whom, for Fashion sake, he supposed to exist; but gave them such a slender Constitution, that it was impossible for them to hold out against the least rencounter of his Atoms. Just so kind is the Doctor to a Prince, whose Title stands upon the Fundamentals of the Government. For what does this legal Right signifie? Are the Subjects bound to restore him? No. This would oblige them to *Two opposite Allegiances.* Are they at Liberty to stand neuter? Not that neither. For *Allegiance signifies all that Duty which Subjects owe to their King.* And if this, as the Doctor affirms, falls all to the share of him who has the *actual Administration of Government.* I'm afraid there will be but little left for the other.

Pag. 14.

Pag. 15.

Alleg. p. 55.

Pag. 57, 58.

And as if all this was not sufficient to Mortify his legal Prince; he Musters the Laws, and Lawyers against him: And says, its a very *wise Constitution* which obliges us to pay our *Allegiance* to a Prince who is not the legal Heir, i. e. to an Usurper. *And the Reasons and Order, and Necessity of Government require it.* The Reason and Necessity of Government is a very serviceable Principle to the Author; whether he does not misapply and overstrain it, shall be farther examined afterwards. At present I shall only desire to be informed of the Doctor, Whether it's any part of the business of Reason to do an unreasonable Thing, what necessity there is to destroy Justice, and establish a Revolt? Indeed if there was a Law that a King should forfeit his Kingdom, as soon as the Disobedience of his Subjects should oblige him to retire; though the singularity of such an Act would be amazingly Remarkable; yet it would not be absolutely unintelligible. But this is not the Case:

Case: For both the Doctor and the Dispute, supposes that the King's Right continues after he is Dispossessed. Now this is that which makes it superlatively Wonderful: His Right continues in full Force; and, yet as far as the Laws can provide, he is barred from all possible means of Recovery. For, it seems, the Subjects are bound to stand by the Usurper; and to distress, and fight the King *de Jure*, if he offers to regain that which they own belongs to him. He has a Right it's granted as much as ever; say you so? Then, I hope, it's to govern; and if so, his Subjects are bound to re-establish him. Hold there, cries the Doctor! They are bound to stand by the Usurper. I confess I always thought, that if a King had a Right to the Crown, the Subjects were obliged to pay him Allegiance. Right one would think should relate to something: For to have a Right to nothing, is to have no Right. But the fee improvements of Time! Here we have a Right without a Property; a King without a Subject. One who has a legal Right to govern; and yet all the Kingdom has a legal Right, and a legal Duty to kill him if he goes about it. Thus the Doctor makes the Laws fall foul upon each other: And gives the People a legal Right to oppose a legal Right in the Crown. Which is somewhat a plainer, though not a truer Contradiction, than his bringing in a Divine, and a Legal Right, clashing with each other. For here the repugnancy lyes in the Constitution, so that the Word *Providence*, which uses to be so serviceable, can give him no Assistance. In short, to tell a Man he is a King, and yet to assign all his Subjects over to another, and to barr him all possible means of Recovery; is such a Jest of Iniquity, and supposes the Legislators so incomprehensibly Singular and Unreasonable, that for the Credit of our Countrey we ought not to interpret the Laws in such a wild Sense. If the Doctor had a mind to turn St. Stephen's into *Bedlam*, and make the Nation Mad by Representation; he could scarcely have gon a more effectual way to work. To conclude this business; if the Subjects are obliged to defend an Usurper in Possession, as much as if he was their rightful Prince; I would gladly know what priviledge the one has above the other? I grant the Doctor allows the Dispossessed legal Prince a Right to make War upon the Usurper. But then as he has ordered

Alleg. p. 26.

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the Matter, he can have none of his Subjects to help him, but those he brings along with him: Besides this Principle gives two contending Parties a Right to the same Thing; and makes a War justifiable on both sides; which is something more than usual.

Fig. 16.

In answer to a Second Objection, he observes, That an *Oath of Allegiance can oblige no longer than the Regal Character continues*; which is most true. But his Inference concerning the Grounds of the Oaths being removed, is altogether inconclusive. For where the Crown is settled upon Hereditary Right; and fortified by irresistible Authority: There the King must necessarily continue in Being, as long as the Man: Because the Subjects can have no Power to call him to an Account, or displace him.

154.

The Doctor encounters a Third Objection, but with the same Success. The Objection is, *That we swear to defend the King's Right, and the Right of his Heirs, &c.* To which he returns. *That we don't swear to keep them in the Throne.* Right! For some Mens practises would make one believe we swore to throw them out, as soon as we had an Opportunity. *But the keeping our Prince in the Throne is sometimes impossible for us to do against a prosperous Rebellion.* Does it therefore follow that we must joyn such a prosperous Rebellion; and support it with our Interest? Is it the Meaning of the Oath, that we should desert our Prince in his Distress, and refuse him when he has most occasion for our Service? If Subjects should swear with such *Declarations* as these, there are few Princes would thank them for their solemn Security. I grant it's sometimes impossible for us to keep our Prince in Possession, against a Rebellion. But certainly we ought not to follow a *Multitude to do Evil.* We ought to stand upon the Reserve, and not fortifie the Rebels by our Revolt. Soldiers don't swear, That they will always get the Victory; for that may be out of their Power. But if they endeavour to debauch the Fidelity of the Army, and make seditious Harangues to *defame the General*, they very much misbehave themselves: Much less is it agreeable to change their sides upon the loss of a Pass, or a Battel. 'Tis true, upon the Prospect of an Exchange, they may sometimes submit to be made Prisoners of War: But if their Surrender will not be accepted, without translating their Allegiance; they ought rather to carry their Honour

154.

Honour and Honeſty into the other World, than take their Life upon ſuch ſcandalous Conditions. To this Firmneſs in Loyalty, not only Chriſtians, but Heathens, upon whom Virtue and Bravery had made any conſiderable Impreſſion, always thought themſelves obliged. What the Doctör adds in this place, concerning his Providential Kings, has been ſufficiently taken notice of already. Thus I have done with his *Propoſitions*; which, tho' I think ſome of them a great deal too plain, yet I cannot perceive they carry any *Evidence with them* to the Author's Advantage.

His Doctrin, That *different Degrees of Settlement require different Degrees of Submiſſion*; is ſuch a Maſterly Stroke in Politicks, that I think in this Paragraph he may be ſaid to have out-done himſelf.

Such a Poſture of Affairs ſeems to require, at leaſt to juſtify, ſuch a qualified Submiſſion. But,

1. This is a needleſs Diſtinction. For ſuch a limited Compliance cannot be *juſtified*, unleſs it's required, i. e. unleſs 'tis a Duty to comply. The Reaſon is, becauſe no Subject is independent of the Conſtitution. He is not at liberty to qualify his Allegiance at his Diſcretion, and to chooſe to ſubmit to what Governour he pleaſes. Such a Latitude would make Subjection an Arbitrary Relation; which the People might throw off at their pleaſure. For if their private unauthorized Will is ſufficient to tranſlate part of their Allegiance, the whole muſt, by the ſame Reaſon, lye at the Mercy of their Inclinations. Thus much is granted by the Doctör himſelf: For though at preſent he ſeems to make theſe Degrees of Submiſſion no more than politrick Proviſions, and a little Ceremony to an approaching Revolution; yet when he comes to ſtate the Buſineſs, he calls them Duties, and carves out ſeveral Branches of Allegiance, ſuch as Praying, Paying Taxes, &c. under the notion of an Obligation; which is a ſufficient Argument they are required to be done.

2. His proportioning *Submiſſion* to the *Degrees of Settlement*, ſeems in plain Engliſh no leſs than a Liſenſe for Men to turn, as the Tide does; to ſhake off all ſenſe of Honour and Juſtice,

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when

when they are likely to prove expensive; and to make an Idol of Interest. As if a Man should say thus,

"Look ye, Gentlemen, things are so kindly ordered, and so fair an Allowance is given; that when you find a Government going down, you may draw in your Loyalty, and sink your Allegiance. But pray take care you do it by Degrees; for if you are too quick, the King may recover, and you may live to repent it. So on the other hand, when you see Rebellion in a thriving Condition, and to have gotten the better of the Laws, you must be sure to comply with the Success as fast as it rises; and follow it step by step, as it gets ground. By this means you will not fail to keep pace with Providence. To sleep in a whole Skin, and enjoy the *secure Possession of your Estates*. And if the new Interest gains farther, and encreases into a *full and plenary (i. e. into a twice full) Possession*; and looks vertically upon you. (at least as you fancy; and if you are out, you must look to that.) If it will not give you leave to stand between Two Governments any longer, but presses you to a final Declaration, under considerable Forfeitures, than you must come in with a full Tide of Duty, and fall to Swearing as fast as you can. If the Reader can make any other Sense of this Passage, I shall be glad of it: But, for my part, I think it Paraphrased naturally enough.

I shall now briefly touch upon the *Duties*, (and the reasons of them) which the Doctor says we ought to pay *such a Prince, whom we cannot think the Providence of God has settled in the Throne*, i. e. whom we must believe, an unlawful Prince. And here the Doctor is very Liberal. For,

First, We must *Promise, Swear, or give any other Security, upon demand to live quietly, and peaceably under his Government.*

Page 17.

But why his Government? When the Doctor supposes he has no Title either from Law, or Providence? What reason has an Usurper, who has neither Humane nor Divine Authority, to make *himself a Judge, and a Ruler over Men*? And if by the supposition the Government does not belong to him, and he has no Authority over the Subjects; Upon what account

count are they bound to enter into Engagements, and to give him Security to establish his Violence? Can the Doctor deny that Subjects are bound to assist their Prince in all just Quarrels? If he cannot, By what Law are they at Liberty to swear a Neutrality to the Usurper, and to make themselves as useless to their Prince, as if they were Dead? If they may renounce their Active Obedience, Why not their Passive too? Why may they not attack their lawful Sovereign in the Field; draw their Sword against acknowledged Justice; and fire upon God Almighty? But what if the Usurper won't let the Subjects have the Privilege of their Countrey without these Conditions? Why then I desire to know whether they are not bound to follow their *King into Banishment*; or, if that Liberty is denied, to suffer whatever shall be put upon them? A

Second Branch of Duty to an Usurper (who by his name has a Right to nothing) is *Paying of Taxes*. For, it seems, *These are due for the Administration of Government*, i. e. for meddling with that which he has nothing to do with; for seizing upon the Revenues, and Power, and Jurisdiction, which the Doctor grants belongs to another. This is great Liberality in the Doctor: However, it appears by what I have already proved, that he might have spared citing *Rom. 13. 6.* to this purpose. But, it seems, it's his way to bring in the Apostles, as he does his Kings right or wrong. There is another Reason behind, *viz. Because we owe the secure Possession of our Estates to the Protection of the Government, let the Government (the Usurpation) be what it will, we ought to pay for it.* That is, though *Lucifer* were at the head of it, we ought to give him Provender, and bring our Money in the Sacks Mouth? we ought to give a Man Money to secure our Estates, though we know he intends to levy Men with it against the *Decalogue*, and buy Powder and Ball to shoot our Parents. The Primitive Christians chose rather to lose their Lives, than be at any Expence towards the Furnishing out the Heathen Worship: And if Parricide, and Regicide be not as bad as the worst Idolatry, I have no more to say. If People may take this Liberty to secure an Estate;

Estate; I think they need not be very scrupulous how they get it.

Ibid.

Thirdly, We must give the *Title of King to an Usurper when we live in the Countrey where he is Crowned: Because this is a piece of good Manners.* It's somewhat strange that the Doctor, who in so many Passages of his Book, has used a certain Prince at such an uncourtly rate, should be thus full of Ceremony; though, after all, I much question whether it's any part of Manners to give the King's Title to an Usurper, when we believe him to be such. An Usurper, who has no Right to the Crown, can have none to the Title of King; for this is one of the Crowns Prerogatives. The Royal Style is for very good Reasons an incommunicable indivisible Right; and cannot be given to another, without taking it from the true Owner: And if Stealing is Breeding, it's time to have done. This puts me in mind of what my Lord Bacon observes, concerning the giving wrong Names to Things which he terms *Idola Fori*, which he tells us, is one of the principal Causes that Sciences are so often disturbed; and the Understandings of Men so much perplexed. And doubtless where the Matter relates to Conscience and Morality, the dressing up an uncreditable Character, in the Habit of Reverence and Dignity, is very apt to draw a false *Idea* upon the Mind, and disorder the Practice of the Generality.

Nov. Org. l. 1.

And if the Doctor pleases to look into the Statute Book, and Parliament Rolls, he will find our own Legislators of the same Mind. For there the Three *Henrys* of *Lancaster*, though they had considerable Advantages above other *de Facto* Men, are called *pretensed Kings*, and their Reigns Usurpations; and *Henry* the Fourth is Styled Earl of *Derby*. The same cautiousness of Expression we shall find in the Case of *Richard* the Third, and Lady *Jane Grey*; who, notwithstanding their Possession of the Crown are attainted of High-Treason; and mentioned in the Style of Subjects.

Print. Stat. 1 E.
4 c. 1. Rpt. Par.
1 E. 4.
L. Bacon. Vit.
H. 7. p. 1004.
1 Mar. Sess. 2.
c. 17.

And if we consult the Scripture we shall find the Royal Style never given to Usurpers. For though *Asa's* Mother, and *Ester* are called Queens, notwithstanding the first was but Dowager,

Dowager, and the other had no more than a Matrimonial Royalty: Yet *Athaliah* with her Six years Mis-rule is never allowed this Title, either in holy Writ, or by *Josephus*. 1 King. 19. 13.

I grant *Hushai*, in his Salutation of *Abfalom*, was a very mannerly Person, and cried, *God save the King; God save the King*: And told him moreover, That he was a *Providential Monarch*, and *chosen by the Lord*, and *all the People of Israel*. But then we are to observe, That *Hushai* acted the part of a Deserter all this while, and spoke the Language of Rebellion: But in all other places, where the History speaks the Words of the inspired Writer, *Abfalom* is never called King; though *David* is mentioned, as such, when his Fortunes were at the lowest Ebb. If it's Objected, That *Abfalom* was not sufficiently raised for this Title: I shall prove afterwards (which at present, I desire the Reader would take for granted) that *Abfalom* had more Advantages, than the present Dispute requires: That he did not only *Administer the regal Power*, but was likewise *Settled upon the Doctor's Principles*; and ought to have been entirely obeyed. If it's said, That *Abimelech* is called King. I answer, That there was at that time no lawful Prince Dispossessed, and Claiming against him: And therefore, though he unjustly seized the Government; yet since there was no rightful Competitor, Possession gave him a Title both to the Name, and Thing. 2 Sam. 16. 16, 18. Judges 9.

But to support an Usurper in his *Majesty*, the Doctor says, *Alleg. p. 17.* He is King indeed while he *administers the Regal Power*. How can that be, when it's supposed in the Dispute, That he has neither Legal nor Divine Authority?

Fourthly, We must *Pray* for an Unsettled Prince; (that is an Usurper in his own Sense) *under the Name and Title of King*: Why so? Because the Doctor has lead the the way? I wish that is not the main Reason. However he gives Two others. Ibid.

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1. Because we are *bound to pray for all in Authority*; which is more than an Usurper, especially in this Condition, can

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pretend

Dr. Sherlock's Allegiance considered,

pretend to : For to give him legal Right, is a contradiction in Terms. And as for Divine Authority, the Doctor can allow him none of that, till he is *thoroughly Settled*. His

Ibid.

2. Reason why we should pray for him as King, is *because he has Power to do a great deal of Good, or a great deal of Harm*. Now upon this Score we might pray for many more Kings, than *Julius Cesar* found in *Kent*. There is a certain Person that shall be nameless, (for whom, I hope, the Doctor does not pray under the Title of King,) who has it in his Power to do a great deal of Good, and in his Will a great deal of Harm; as the *Indians* are very sensible, and order their Devotions accordingly. As for his Direction, That *we must take care to do it in such Terms, as not to pray against the Dispossessed Prince*; it is contradictory and impracticable. For,

Vid. Caution
against Incon-
sistency.

Alleg. p. 14.

First, This dividing our Prayers between Two contesting Princes, is to split our Duty into halves, and obliges us to Two opposite Allegiances; (which he condemns.) For certainly Prayers for the King are one part of the Subjects Duty, especially of those of the Doctors Function.

Pag. 62.

Secondly, His Advice is impracticable. For the Proclaiming him King to the People is a great injury to the Dispossessed Prince. And as the Doctor well observes, *His very Possession of the Throne; and every Act of Authority he does, is against the Interest of the King de Jure*. And therefore such a Prayer cannot be Justified, unless we pray to be rid of him.

Pag. 23.

Thus I have considered his main Principles. The remainder of his Book, being most of it consequences from these intermixed with Repetitions, and naked Affirmations, will go off with less trouble.

He observes, That the taking away the *Distinction between Rightful and Usurped Powers*, gives the most intelligible account of the Original of Government. This he attempts by Induction; and endeavours to prove that Government take it which

which way you will, is not to be Explained upon a Foundation of legal Right. He begins with *Paternal or Patriarchal Authority*. And says, *That no Man had Authority, either to give it away, or usurp it*. I easily agree with the Doctor, That no Man had Authority to usurp Paternal Power, or any other: But why it might not be fairly parted with, is not altogether so plain. The Doctor knows Emancipation was frequently practised among the *Romans*, and allowed by their Laws. This was no other than a Resignation of Fatherly Authority into the hands of the Child. Indeed, to chain a Man thus inseparably to his Right, is in effect to take away the Advantage of it: For it bars him the Liberty of disposing of his own; and makes him a Slave to that, of which he should be Master. But suppose a Father can't give away his Authority; I hope the Doctor will permit him to leave it behind him, when he dyes. Now this is sufficient for the Patriarchal Scheme: For by this Hypothesis, *Adam*, and the other Patriarchs, who had Sovereign Dominion from God, left their Jurisdiction to go by Descent to their Heirs; who were Lords, not only of their immediate Brethren, but of all the remoter Branches of the younger Families. So that here is no need of the Resignation of Paternal Power: For the successive Conveyance of Original Authority, to the Heirs, or reputed Heirs, of the first Head, is as much as this Hypothesis requires. This is the Substance of Sir *Robert Filmer's* Opinion; and because the Doctor has said nothing to confute it, I shall vindicate it no further. Ibid.

His next business is to shew how impracticable and precarious a Government would be, if it was settled upon the *Choice of the People*. Now, tho' I don't pretend to understand the Doctrine of *Original Contracts*, yet upon Supposition any Kingdom was fixed upon this Foundation, I can't perceive it would be so sandy as is pretended. Yes; *If Subjects give Princes their Authority, they may take it away again when they think fit*. That is to say, after they have solemnly parted with their Freedom, and resigned themselves up to the Disposal of another, they may break their Oaths and Promises to God and Man, and Enfranchise themselves whenever the Humour takes them. Gen. 27. 29. Alleg. p. 24.

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Coke's Rep.
part 7. Calv.
Case.

This is to out-do Mr. *Hobs*, who obliges his Common wealth-men to stand to their Facts, when their Words are once past. But *there can be no irresistible Authority derived from the People*. Why so? May they not transfer their Right to Resistance, without any Limitation of Conditions? This cannot be denied; and if their Liberty to Resist is thus absolutely conveyed away, one would imagine they should be obliged to Performance of Articles. If Securities depend only upon the Inclinations of those that make them, the Philosophers and Divines have very much misinformed us. At this rate no Man ought to trust another any farther than he can throw him; and all Society and Intercourse must grow impracticable. The Doctor pursues his point, and discovers, That a Government must be *Resimus Aetatis*: For there can be no *Hereditary Monarchy* upon these Principles of Choice; because one Generation can choose for none but themselves: For what Right had my Ancestors to choose a King for me? 'Tis well for the Doctor's Ancestors, he did not ask them what Right they had to be his Ancestors? Such a Question, for ought one knows, might have brought Difficulties along with it. But, in Answer to the Doctor's Demand, I desire to know of him, whether our Ancestors have not a Right to Govern us? If they have, why may they not assign over their Jurisdiction, and choose a Governor for us? By the Doctor's Logick, we may refuse Obedience to any Law which was made before our own time: For if our Ancestors could not possibly have any Right to choose us Kings, they could have none to choose us Laws. His saying, one Generation cannot bind another, is a manifest Mistake, as the Settlement of Inheritances will inform him: I think he needs go no farther than a *Bond* for his Satisfaction. To come nearer the point, all the Reverend Judges, in *Calvin's Case*, affirm, That every Subject, as soon as he is born, oweth, by Birthright, *Ligeance* and Obedience to his Sovereign. And if he owes this Duty by virtue of his Birthright, one would think it should be upon the Score of his Relation to his Parents, whose Act he is bound to stand by; unless we can suppose he consented to the Constitution in the State of Preexistence. To put the matter beyond Dispute, I shall produce a remarkable Instance from Scripture.

Scripture. It's the Case of the *Gibeonites*; who, notwithstanding they over-reached the Children of *Israel* into a Treaty, by a false Relation of their Country, yet after the League was once made, the then *Israelites*, and their Posterity, were bound to observe it. And when *Saul*, out of a Zeal for the Interest of his Kingdom, made a Slaughter of the *Gibeonites*, God punished this Breach of Faith with three Years Famine; and the *Gibeonites* had Satisfaction given them. Josh. 9. 15.
2 Sam. 21. 1;
6.

We are now to examine *Conquest*; which he tries to unsettle, by saying, *if Conquest gives a Right, then the most unjust Force is Right; and every one who is stronger than his Neighbour, has a natural Right to Govern him.* I confess these are sad Stories, if they were true: But who may we thank for them, but the Doctor and Mr. *Hobbs*; who by founding Dominion in Power, Alleg. p. 24.
Pag. 15. have as much as in them lyes brought these Consequences unavoidably upon us.

His Speculation about *Submission* is somewhat surprizing: This he calls a *forced and after Consent to own him, who has made himself King.* And affirms, by Implication, That we might disown a Prince who has thus Scared us into Subjection, *were it safe to do so.* That is, Oaths and Promises are not to be kept, though the Matter be never so Lawful, if we are put upon them against our Will. This is strange Casuistry, and if allowed would make wild Work. For if an unwilling Consent (if one may speak so) is a sufficient Dispensation, it's easie to pretend it in all Cases; which Liberty would, in a great Measure, destroy the Securities of Trust and Commerce between Man and Man. Pag. 24.

His last Effort upon legal Government, is in these Words. *The continuance of an Usurpation can never give a Right, &c.* A bad Title can never improve into a good one, though it remains after the right Heirs are Extinct; which is as great a Paradox as any of the rest. For all Mankind have hitherto agreed, That Possession alone is a good Title, when there appears no better. A Ibid.

The reason of this Universal Maxim is plain.

First, Because no Man ought to be molested in what he enjoys, excepting upon the Plea of Right : For he that disturbs a Man without Right, disturbs him without Reason. But by the state of the Case, no Person has any Right to molest the forementioned *Possessor*, in regard the legal Heirs are supposed no longer in Being.

Secondly, The practise of this Maxim, is necessary to the Peace of Society, which would be very much disordered, if a long continued *Possession* might be disturbed without any Pretence of Right. Now where there is no third Person injured, nor no Injustice done, those Principles which tend most to the Peace of Society ought to carry it. Thus the Doctor has made it his Business (with what Success the Reader must judge) to disparage and unsettle all Legal Titles, to make way for his *Leviathan* Model, which resolves all Government into Providence, that is into Power.

Fig. 26.

The Doctor now proceeds to Objections; and in Answer to one, concerning the Injustice of adhering to an Usurper against a lawful Prince, he replies, *That the Rights of a Lawful Prince is to administer the Government; and not to obey him when he does not, and cannot Govern, is to deny no Right.* But on the other hand, if a Prince has a Right to administer the Government, certainly he ought to have this Right; and the People are bound to help him to the Administration of this Right, when it's forcibly detained from him: For if he has a Right to the Administration of the Government, he has a Right to command his Subjects; and consequently they are bound to reserve their Duty for him only, and to range themselves under his Obedience as soon as may be. To acknowledge a Right, and at the same time to deny the Duties consequent upon it, is to say that we are resolved not to render to all their Dues, notwithstanding the common Reason of Mankind, and the Apostles Command to the contrary. But *be* (the legal Prince) *does not, and can't Govern*: If that is none of his own Choice, it ought not to be alledged to his Prejudice. If nothing but the Disobe-

Disobedience of his Subjects hinders him from Governing, it's unreasonable for them to plead their own Crime in Discharge of their Allegiance, and to make a Privilege of Rebellion.

His next Answer has nothing new in it, excepting an Admo-
 Pag. 27.
 nition to all Princes, to be upon their good Behaviour. For they *must take some care to preserve their Crowns by good Government*; i. e. they must govern as the Doctor and the rest of their Loyal Subjects think fit. Which Courtly Advice must end in an Appeal to the judicious Mobb, and make the Vulgar the last Resort of Justice: For these, being the Majority, ought not to be denied the common Privilege of examining the Actions of their Sovereign. But what is the Penalty the Doctor lays upon Princes, if they don't give Satisfaction? Why, then their Subjects are allowed to stand Neuter, and not to maintain them, so much as in Possession. Just now the Doctor told us, That the Duty of the Subject was to *obey the Laws of the Prince in Possession*. Some of which Laws provide expressly for the Defence of his Person, Crown, and Dignity. Now to allow this Privilege to an Usurper, and deny it to a lawful Prince in *Possession*, amounts to little less than asserting, That Justice ought to be Discountenanced; and that a bad Title is better than a good one. But is the Doctor sure the People are at Liberty, not to assist a Prince when he does not please them? Are they not bound to defend a Divine Right, which he grants is never parted from *Possession*? Is not God's Authority in a bad Prince (supposing he was really such) as much as in a good one? If not Dominion is founded in Grace; and so we are gotten off from *Thomas Hobbs*, to *John of Leyden* and *Knipperdolling*. And though the Doctor, was not very sure the Subjects are bound to defend an unacceptable Prince in his Throne; yet a little time has better informed him: For (Pag. 29.) he grants it's Reasonable enough to venture our Lives and Fortunes to defend the King's Person and Government while he is in *Possession*. This I mention, that the Doctor may have the Honour to confute himself; *Nemo quisquam Ajaxem possit superare nisi Ajax*. However, at present, he will not be thus Liberal: For if the Subjects have a *bad Prince, who notoriously violates their Rights*; Pag. 27.
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Ibid.

What follows? Then to be even with him they may be bad Subjects, and notoriously violate his Rights. In such a Case, if he cannot *defend himself*, and fight an Army singly, *Let him go*; though we are bound to support him, by the Fundamental Laws of Government in General, and of the Constitution in Particular. But what if he *Strikes at Religion*? If he does, it's able to bear the Blow without any Damage. A Man might as well undertake to stab a Spirit, as to destroy Religion by Force. We can never lose our Faith, unless it's thrown away by Negligence, or surrendered by Treachery. Religion is out of the reach of Injury; and invulnerable, like the Soul, in which it's seated. For it's not in the Power of Violence to rattle our Understandings, or ravish the Freedom of our Wills. Religion, instead of being Weakened, rises, upon an Opposition, and grows more Glorious by Sufferings; as is manifest from the History of the Primitive Christians. I don't mention this as if we lately either felt, or indeed had any reason to fear any thing like a Persecution; but only to shew the Sophistry of the Doctor's Argument.

Ibid.

For if the Religion of the Subject be out of the Prince's Power to alter; it ought not to be pretended as a Reason of Deserting him. Besides, to pretend Religion for the breach of Oaths, and Natural Allegiance is the greatest Reproach we can lay upon it; and makes one part of it to contradict and destroy another. And though the Doctor says, *It's a little too much for the Subjects to venture their Lives to keep a Prince in the Throne to oppress them*: That is a Prince the People are not pleased with; for if they don't fancy him, they will either say he is, or will be an Oppressor. Now if Allegiance depends upon the Qualities of the Prince, and his Subjects were made Judges of his Behaviour, as the Doctor will have it; it's impossible for any Government to continue. At this rate the Ignorance and Levity of some, the Disguist and Ambition of others, would soon argue themselves into Liberty, and the State into Confusion. And therefore Obedience is unconditionally bound upon us by the Laws of Nature; which are part of the Constitution of this Realm, as the Judges agree
in

in *Calvin's Case*: This Faith and Ligeance of the Subject is, Coke's Rep. 7 part Calv. Case. as they observe, *proprium quarto modo* to the King, *omni, soli, & semper*; and by consequence forecloses all Objections against Rigour and Misadministration. Allegiance, as all the Judges resolve it in the Case of the *Post nati*, follows the natural Person Moore's Rep. of the King; and by consequence must continue as long as his natural Person is in being, without any respect to his Moral Qualifications.

But a Subject and a Soldier are two things; and a Man may be Alleg. p. 27. the first, without any Obligation from the Laws of God or Man, of being necessarily the latter.

To this I answer, That though every Subject needs not be a Soldier by Profession, yet whenever his Prince is in danger, and requires his Service, he is bound by the Laws of God and Man to fight for him. I doubt not but the Doctor is so far of Sir Edward Coke's Opinion, *That the Duty of the Fifth Commandment extends to the King, who is Pater Patriae*. Now one Calvin's Case, fol. 13. part of the Duty we owe our Parents, is to defend their Persons from Violence: Which Assistance seems due *a fortiori* to the Father of our Country, who has the Jurisdiction over all private Families, and from whom both our selves and our Parents have received Protection. *Solomon* tells us *where the Word of a King is, there is Power*. And if the Subject is bound to give a general Obedience to his Prince, then certainly he is not at Liberty to decline his Service, when his Crown and Person are concerned. The same Conclusion is plainly implied in our blessed Saviour's Answer to Pilate; *If my Kingdom were of this World, then would my Servants fight, that I should not be delivered to the Jews*. S. Joh. 18. 36. From which Words this Proposition naturally follows, That Subjects, as Subjects, are bound to hazard their Persons in Defence of their Prince. Indeed this Doctrine stands in little need of the Support of Authority, it being sufficiently evident from the Reason of the thing. For,

First, every Subject receives Security and Protection from the King; and therefore ought to protect his legal Protector: For as all Persons receive the common Benefits of Government, so they ought to joyn in a common Defence of it.

Secondly, all Persons are born equally Subjects; from whence it follows, That the essential Duties of Subjection (of

P

which,

Dr. Sherlock's Allegiance considered,

which, Defence of the King is one chief Branch) must necessarily extend to them all.

Thirdly, all Persons are obliged to venture their Lives for the publick Safety, and to appear against the Enemies of their Country: But the direction of this Affair belongs solely to his Management, who is vested with the Power of the Sword, and has the Prerogative of making Peace and War. Those whom he declares the publick Enemies, are to be accounted such, and no others. To him only it belongs to judge of the bigness of the Danger, to proportion the Preparation for War, to appoint the time and place for Battel. By virtue of which Privilege, all his Subjects are bound to comply with his Appointment, and to bring their Persons into the Field upon demand.

If we look into the Laws of our own Country, we shall find them clear and decisive against the Doctor.

Moore's Rep.
fol. 793. &c.

In the famous Case of the *Post nati*, argued before the Lords and Commons in the *Painted Chamber*, 4 *Jac.* 1. all the Judges agreed that "Allegiance extends as far as Defence, which is "beyond the Circuit of the Laws; That is, the Subjects are bound to defend the King, in what place soever he resides, whether in his Dominions, or elsewhere. For, as these Reverend Judges go on, "Every King may command every People "to defend any of his Kingdoms, this (*i. e.* Defence) being "a thing incident to the Allegiance of all his Subjects. Now, if the Defence of the King's Person and Kingdoms is a thing incident to the Allegiance of all his Subjects, or necessarily implied in the Notion of Subjection, then every Man is obliged to be a Soldier, whenever his Prince shall think fit to employ him in that manner. This is no more than the Resolution of all the Judges in *Calvin's Case*; who declare, "That every Subject is "by his natural Ligeance bound to obey and serve his Sovereign. And since this Obligation of the Subject is thus general and comprehensive, it must certainly hold in Cases of greatest Necessity and Importance.

Fol. 14.

The Duty of an English Subject is more particularly described in the old *Oath of Ligeance*, mentioned by *Brinton*; which, as *Sir Edward Coke* adds, is yet commonly in use to this day, in every *Leet*, and in our Books: The Tenour of it runs thus;

"You

"You shall swear, That from this Day forward you shall be true and faithful to our Sovereign Lord the King, and his Heirs; and Truth and Faith shall bear of Life and Member and terrene Honour, &c. This Oath, as Sir Edward Coke observes elsewhere, is to be taken of all above twelve Years of Age.

Calvin's Case, fol. 6.

Instit. part 1. tol. 69.

The Oath of Allegiance, made 3 Jac. 1. c. 4. takes in the same Compass of Duty: For there the Subject swears "To bear Faith and true Allegiance to his Majesty, his Heirs, &c. and him and them will defend to the uttermost of his Power, against all Conspiracies and Attempts whatsoever. This, if it were duly performed, were enough in all Conscience, and as much as can be expected from any Soldier; unless the being listed obliges a Man to Impossibilities.

Now this Oath every Person of the Age of Eighteen years is 7 Jac. 1. c. 6. bound to take, if required by Authority.

Lastly, That the extent of Allegiance reaches to the assisting the King in the Field, we may learn from 11 H. 7. c. 1. where we are told that "The King calling to mind the Duty of Allegiance of his Subjects, that by reason of the same they are bound to serve their Prince--- in his Wars, against every Rebellion, Power and Might, reared against him, &c. This Statute we may observe does not found the Subjects Duty of assisting their Prince in his Wars, upon their Military Oath and Possession, but upon their Allegiance; and therefore since all Subjects owe a Natural Allegiance to their King, they ought to defend him in the Field, when, and where he shall command their Service. And thus, if the Judges and Laws may be allowed to determine the Case, the Doctors fine speculations about Non-assistance, must come to nothing.

Alleg. p. 50.

His distinction of the Parts of the Oath of Allegiance into the Natural Duty of Subjects, and an Obligation superinduced by Law, is both ill founded, and misapplied.

pag. 67.

First, This distinction has no Foundation either in Reason or Law. Our Oath of Allegiance does not extend our Obedience (as Bishop Sanderſon well observes) and make us more Subjects than we were before: It only gives a new Security, by the Solemnity of the Action, for the performance of that to which we were antecedently obliged. The Oath finds us Subjects, (otherwise

wife we might refuse it) it does not make us such. And therefore those who have not Sworn such an Allegiance, are bound to all the Duties of Subjection contained in it. This Sworn Obedience is enjoined by Authority, only as a Recognition of our Natural Duty ; to which it adds nothing, but the Enforcement of a Religious Circumstance : Which is agreeable to the Judges Resolution in the forementioned Case of the *Post nati* ; " That Allegiance was before Laws. And in *Calvin's* Case it's averred, " That a True and Faithful Ligeance, and Obedience, " (which is all we are sworn to) is an incident inseparable to " every Subject as soon as he is Born.

Moore's Rep.
fol. 793.&c.
Calvin's Case,
fol. 3.

Alleg. p. 28.

Secondly, As the Doctors distinction is Chimerical ; so the Application of it is Mistaken and Unreasonable. He says, *Natural Allegiance is due only to him who has the actual Administration of the Government.* Natural Allegiance, under Favour, can be due to none but him who is our our Natural Prince, no more than Filial Obedience can be challenged by any, excepting our Natural Parents. But Possession abstracted from Right, does not make any Man our Natural Prince, no not in the *Doctor's* Opinion. For he elsewhere tells us, *That the Kings of Egypt, and Babylon, never had a Legal and Natural Right to govern Israel.* By which Words it's plain, he makes a Legal and Natural Right to be the same. But bare Possession does not give a legal Right, and by consequence not a Natural one.

Alleg. p. 6.

Thirdly, Natural Allegiance is due to him who is King by the Laws of Nature ; but he who can prove his Title by nothing but the *Administration of Government*, is no King by the Laws of Nature ; For Nature, *i. e.* right Reason does not found Dominion in Power, nor gives any Countenance to Injustice. And if an Usurper has no Prerogatives of Royalty from the Laws of Nature, then *Natural Allegiance* cannot be challenged upon this Score. For a Principle which gives a Man no Right to govern, can't lay an *Obligation* upon any Persons to obey him. The Laws of Nature enjoin us *Obedience* to our Kings. But they don't tell us, That every powerful Pretender ought to be acknowledged as such : But refer us to the Constitution for Satisfaction. For *Authority* and *Jurisdiction* is as much a Property as Land ; and therefore the Measure of it ought only to be taken from the Laws of each respective Countrey, which brings

brings me to the Doctor's Application of legal Allegiance; which he affirms, is Sworn only to a King in Possession. And by his reasoning he lets us plainly understand, that this Allegiance is due no longer than the Possession continues. To this I conceive the Doctor's Arguments will afford a sufficient ground for a Reply: For he explains Legal Allegiance by Maintenance, or Defence; and says, it signifies no more than to maintain and defend the King in the Possession of the Throne, as having a legal Right to it. If it signifies thus much, its sufficient. For if we are sworn to maintain and defend the King in the Possession of the Throne, because he has a Legal Right to it; we ought to defend him as long as this Legal Right continues: For as long as the Grounds of Allegiance remain in full Force, the Consequent Duties ought to be performed. Now the Doctor grants a Prince's Legal Right remains after his Dispossession; and that he may insist upon his Claim, when he finds his opportunity. Alleg. p. 28.
Ibid.
Alleg. p. 15. 26.

He argues farther, That we can legally take this Oath only to a King in Possession, because it must be administered by his Authority. To this I Answer,

First, That from hence it follows, that whenever a lawful Prince has been possessed of the Government; those who Swore to him during his Possession, are bound to perform the Contents of their Oath; for then by the Doctor's Argument it was lawfully Administered.

Secondly, To put the Matter beyond Dispute, we are to observe, That the King's Authority continues after Dispossession: This, waving other Authorities, I shall prove from the Two other famous Cases of the *Post nati*, above mentioned, reported by Sir Francis Moore, and Sir Edward Coke; in both which we have the Resolution and Concurrence of all the Judges. In the First, among other Things, it's affirmed as unquestionable Law; That "Allegiance follows the Natural Person of the King; not the Politick. For Instance, *Si le Roy soit expulse per Force, & auser Usurpe, uncore le Allegiance n'est toll*; Moore's Rep. fol. 798. &c. "comment que le Ley soit toll. That is, "If the King is by Force driven out of his Kingdom, and another Usurps; notwithstanding this, the Allegiance of the Subject does not cease, though the Law does. Secondly, Allegiance extends as far as Defence, which is (sometimes) beyond the circuit of the Laws. For every King may command every People to defend

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" defend any of his Kingdoms ; this being a Thing incident to
 " the *Allegiance* of all his *Subjects*, without respect to the extent
 " of the *Laws* of that Nation, where they were born ; where-
 " by it manifestly appears, that *Allegiance* follows the *Natural*
 " *Person of the King*. From this Resolution of the Reverend
 Judges these Inferences necessarily follow.

1. Since Allegiance follows the *natural Person* of the King, it
 must be due to him as long as his *natural Person* is in being,
i. e. as long as he lives : So that Possession or Dispossession does
 not alter the Case. 'Tis true they make a change in the King's
 Fortune, but the Allegiance of the Subject remains the same.

2. When the Prince is ejected by force, the *Laws* are said to
cease, or expire: From whence it follows that the Usurper has no
 Authority to execute Justice, or administer any part of the Go-
 vernment; which overthrows all the Pretences for a *K. de Facto*.

3. Allegiance extends as far as *Defence*, and does not, as the
 Judges observe, depend upon the Formalities of Law; but is
 founded in natural Subjection. And as a King may command
 his Subjects of one Kingdom, to defend him elsewhere, though
 they are obliged by no express Provisions to travel with, or
 transport their Allegiance into another Country; so by Parity
 of Reason all Subjects, in virtue of their general Allegiance,
 are bound to defend their Prince in their own Country, tho
 there should be no particular Laws assigned to bring them upon
 Duty; which is more than the Doctor will allow.

Alleg. p 31.

4. If Allegiance reaches as far as *Defence*, then without que-
 stion it ought to be paid to the King, when dispossessed; for
 then it is, he has the greatest need of his Subjects Assistance.

Alleg. p 14.

5. If Allegiance follows the *natural Person* of the King, and
 is due to him out of *Possession*; then it cannot be due to an Usur-
 per in *Possession*: For this would oblige us to *two opposite Allegian-*
ces, which, as the Doctor observes, is absurd, and impossible.

Alleg. p. 31.

6. If Allegiance follows the King's *natural Person*, his Royal
 Authority must do so too. For an Obligation to obey always
 supposes a Right to command; and if the Sovereign Authority
 always attends upon the Person of the King, then a *Commis-*
sion granted by a King out of Possession, must be a valid Commission.
 And thus the Doctor's great *Question, which he was not Lawyer*
enough to decide, is answered against him.

Calvin's Case is full to the same purpose; which because I have
 already

already mentioned, I shall cite the less of it now. In this solemn and deliberate Determination, it's resolv'd by the Reverend Judges,

First, That *Allegiance and Faith are due to a King by the Law of Nature*. They must mean a Rightful King: For the Law of Nature does not encourage Injustice and Usurpation.

Secondly, they affirm, That the *Law of Nature is part of the Law of England*; and cite *Bracton, Fortescue, &c.* for this point. And, Calvin's Case, fol. 12.

Thirdly, That the *Law of Nature is immutable*.

From whence I infer, That if Allegiance is due to a Rightful King by the Law of Nature, if this Law is incorporated into our English Constitution, and of an immutable Obligation; from hence it necessarily follows, That as long as we have a Rightful Prince, our Allegiance is part of his Right, and ought to be exerted for his Service.

Secondly, they observe, That "in the Reign of *Edw. 2.* the *Spencers*, Father and Son, to cover the Treason hatched in their Hearts, invented this damnable and damned Opinion, That Homage, and the Oath of Ligeance, was more by reason of the King's Crown, (*that is his Politick Capacity*) than by reason of the Person of the King. Upon which Opinion they inferred execrable and detestable Consequents. 1. That the King might be removed for Maleadministration. 2. That he might be reformed *per Aspetee*. 3. That his Lieges were bound to govern in aid of him, and in default of him. Ibid. fol. 11.

Now if it is such an impious and unreasonable Assertion to maintain that *Homage and Ligeance*, is tyed to the King's Politick Capacity: Then it must follow his *Natural Person*; which makes the Resolution of this Case the same with the former. And though I don't pretend to know what the Doctor is hatching in his Heart; yet I'm afraid he has slipped into this damnable and damned Opinion of the *Spencers*; for he has ventured to affirm, with great assurance, That the Diminution of the Crown, and the Personal Right of the King, are very different Things. Now if they are so very different it is because they are separable from each other. And if the Crown may be diminished without injuring the Personal Rights of the King; then the Rights of the Crown are not tyed to the King's Person. That is in the *Spencer's* Language, Allegiance the great Prerogative of the Crown, follows the King's *Politick Capacity*, not his *Personal*; and is due not to any Hereditary Advantage of Blood,

Blood, but may be challenged by *Possession* and *Power*; especially if the Administration be cast into a Monarchical Figure.

From these Observations, 'tis evident, *That to maintain and defend the King's Person, Crown and Dignity*, implies an endeavour to *restore him*. For not to repeat what has been said already; the Crown is in construction of Law the *Jus regnandi*: So that to swear to maintain his Crown, imports an Obligation to defend his Right, which is inseparably annexed to his Person, and runs parallel with his Life, unless he resigns. From whence I conclude, against the Doctor, and Republican *Saunders*, That in the Sense of the Oath, *to restore, is necessarily included in Maintaining*. But possibly we are not aware what a monstrous Contents the *Oaths of Allegiance* will be big with, if *restoring* is included in *maintaining*: For then besides several other terrible things, which I shall consider afterwards, *We swear*, it seems, *to disturb all Governments, and raise rebellions if we can, to restore our King*; which are such absurd and unreasonable Engagements, *That had they been expressed in the Oath, no Man in his wits would have taken it*. I think so too, as the Doctor has represented the Matter. But then before he drew such tragical Inferences, it had not been amiss for him to have proved, that there is any Government to disturb under a Usurpation. For, by way of Quere, I would gladly know, how there can be a Government without any *Authority* to administer *Acts of Government*? And how a Man can have any *Authority*, who has no Right to ground it upon; or to give him a publick Character? If *Allegiance*, as we have seen, is inseparably tyed to the Person of the King, one would think there was no danger of a Crime in the performance of it: Unless we should stretch it beyond the duration of his Person; and appear from him after he was dead. If the asserting the Laws, and supporting the Constitution, and engaging in the Cause of Justice; *Is a raising of Rebellion*; the Names of things are very much altered of late; and if the things are not so too, some Persons, I fear, are in no good Condition. But to insist upon this no farther: I believe the Doctor forgot that this extravagant *Oath of Allegiance* cannot be refused by any Person 7 Jac. I. c. 6. (except Women Covert) of the Age of Eighteen Years, without incurring a premunire. Now by the Judgement of a
premu-

Alleg. p. 29.
Saunders Sermon.
before the
Judges at Exe-
ter, 1650.
p. 23.

Alleg. p. 29.

7 Jac. I. c. 6.

premure, a Man is thrown out of the King's Protection: And his Lands and Tenements, Goods and Chattels are forfeited to the King: And his Body is to remain in Prison at the King's Pleasure. Coke's Instit. part 1. l. 2. fol. 129, 130.

Now a Man, though he had no higher aim than Self-preservation, might better venture the inconvenience of following his King into Banishment; and run the risque of the rest, then have this *Act* executed upon him. For these are present and severe Punishments, whereas the other are but contingent and remote Misfortunes at the worst. So that no Man in his wits, who considers the danger of declining this Oath, would scruple the taking it, though it was drawn up with all that Strictness of Loyalty which startles the Doctor. And though he has dressed up this Oath in frightful Colours, and given it an unkind parting Blow; which looks like a sign that there was more of Convenience, than Inclination in their former Correspondence; yet if we take off the disguise, and wipe off the marks of the Doctor's hard usage, we shall find it of a Complexion agreeable enough, that it obliges us to no more than what was our Duty before, and implied in our natural Allegiance; and that the Contents of it are both reasonable and necessary to the Support of Government.

The Dr. proceeds to remove another Difficulty contained in the Oath of Allegiance, viz. *we swear to the King's Heirs, and lawful Successors, who are not in actual Possession; and therefore that must signify to give them Possession.* Right! If the King dies Possessed of the Crown, we must swear to maintain the Succession, otherwise it seems not. Bur,

I. I can't conceive what Security this construction of the Oath can give to an Hereditary Monarchy: Yes, very much says the Doctor. For if the King dies Possessed, we swear to maintain the Succession, and to own none but the true Heir. But how long is this Maintenance and Owning to last? Truly no longer than his Sword can challenge it. If he gets Possession, we are for him; and so we are for any body else. For if Jack Straw steps before him, and proves lucky in his Events, the true Heir must be contented to live upon the Metaphysical Dyet of legal Right, without any Subjects to support him. And thus the Oath of Succession, when prudently interpreted, resolves it self into this kind Interpretation, That we solemnly swear to be unalterably true to our own Ease and Convenience, and to

adhere Religiously to the nimblest and strongest Party. And for fear this should not satisfy the *lawful Successor*, we swear moreover, if you please, not to make it our *Aim* to set up any Prince, who is not the right Heir. True! For there may be danger in doing otherwise; especially when the King *dies possessed*: For then the *Posse* of the Kingdom is usually conveyed immediately to the right Heir, and his Interest is much the strongest. We ought therefore to be faithful to him, when it's unsafe for us to desert; and assist him as long as he is able to live without us. 'Tis granted, we are not to be too busy at first in setting aside the Succession, for fear of burning our Fingers; But if any ambitious Person is strong enough to make a Break in the Line, we may lawfully comply with the Intrusion. So that it seems we must not form an unjust Interest, nor set out with it at first; for possibly it may fail us: But when it has gathered Strength by the Conjunction of more Wickedness, and improved into a thriving Condition, we may fix and support it fairly enough. I perceive some people, out of a tenderness to Society, won't give us leave to break our Fast with Rebels, for fear we should ruffle our Concerns, and miscarry before Noon; but when the day is once their own, we have Liberty to come in at the Evening, and sup with them; and may wipe our mouths after all, with the same good Conscience the Woman did in the *Proverbs*. But truly I think those who won't venture to ride the Chace, ought not to be admitted to the eating of the Venison. However, if we examine the matter critically; it's hard to tell which sort of Revolvers, the early or the later, ought to be preferred. They have each of them their peculiar Excellencies: The one has more Courage, the other more Caution, and both the same Stauchness of Principles. Ambition is predominant in the first; Fear and Covetousness in the latter, who is such a flexible-apprehensive Creature, that whoever can command his Interest, may likewise command his Actions, and fright him out or into any thing, at their Pleasure. I observe,

2. That this Construction of the Doctor's determines against K. Charles II. as fully as is possible. For he was *driven into Banishment*, before he could gain his Right: And the *Rump* and *Cromwel* mounted the Seat of Government: And the King his Father dyed dispossessed of the Crown. So that by the Doctor's Reasoning, the People were not only disengaged from the Succession

Successionary part of the Oath, but were bound to stand by the Commonwealth, and oppose the Restauration. If any one questions K. Charles I. his being dispossessed at his Death, he may please to consider, That this Prince was not only Defeated in the Field, and made Prisoner by his Rebellious Subjects; But there was a High Court of Justice erected to try him for Treason. The Supream Power and Authority was declared to be in the Commons of England: And Monday 29. Jan. 1648. (the Day before his Majesties Martyrdom.) "The Commons in "the Name of the present Parliament enact, That in all Courts "of Law, Justice, &c. And in all Writs, Grants, &c. instead "of the Name, Style, Test, or Title of the King, here- "tofore used; that from thenceforth the Name, Style, &c. "of *Custodes Libertatis Angliae* shall be used and no other. In short, the King's Name was enacted to be struck out in all judicial Proceedings, in the date of the Year of our Lord, in Juries, in Fines, in Indictments for Treasons and Treason. From these unquestionable Matters of Fact it's manifest, beyond contradiction, That the King had not so much as the Shadow of Authority left him; but was perfectly out of Possession before he lost his Life. I shall draw one Advantage more from this Citation, and so dismiss it. The Inference is this, That Treason lies against the King, though out of Possession. For the Regicides who were not comprehended in the *Act of Indemnity*, were excepted, for Sentencing to Death, or Signing the Instrument of the horrid Murder, or being Instrumental in taking away the Life of King Charles I. For this Reason, They are left to be proceeded against, as 12 Car 2 c. 11. Traitors to his late Majesty, according to the Laws of England.

Walkers Hist.
of Independ-
ency, part 2.
p. 100, 110.

If the Doctor desires another Instance, that Treason may be committed against a King out of Possession; he may receive Satisfaction from the first 12 Years Reign of King Charles the Second. For in this *Act of Indemnity*, it's said, "That by occasi-
"on of great Wars, and Troubles, that have for many Years
"past been in this Kingdom, divers of his Majesties Subjects are
"fallen into, and be obnoxious to great Pains, and Penalties.
"And to the intent, that no Crime committed against his Majesty,
"or Royal Father, shall hereafter rise in Judgment, or be brought
"in Question against any of them, to the least Endamagement
"of them, either in Lives, Liberties, or Estates; his Majesty is
"pleased that it may be Enacted, That all Treasons, Misprisi-
"ons

Dr. Sherlock's *Allegiance considered,*

"ons of Treasons, acted or done since the 1. Jan. 1637. to the 24. of June, 1660.--- shall be Pardoned, Released, &c.

From this Act we may observe,

1. That though the King was newly restored at the making of this Act, it's said, notwithstanding "Divers of *his Subjects*, (not his Fathers) had for many Years past been obnoxious to "great Pains and Penalties, &c. which is a plain Argument, that as his Reign was dated from the Death of K. Ch. I. so they looked upon the People of *England* as his Subjects from that time; and that his Authority to punish, was entire, during his Dispossession; otherwise they could not have been obnoxious to great Pains and Penalties, for acting against him.

2. The King pardoned all Crimes committed against Himself, "Which would have risen up in Judgment, and Endamaged his "Subjects in their Lives, Liberties, or Estates: Some of which Crimes, as they can amount to no less than Treason, so they must relate to the time of the Usurpation; because the King was but very lately entered upon the actual Administration of the Government. Neither do we read of any Treasons committed against the King from the 29th. of May to the 24th. of June; which was the utmost term to which the Pardon extended.

3. All Treasons, Misprision of Treason, &c. (excepting those excepted) are Pardoned from January 1. 1637. to June 24. 1660. Now if Treason did not lye against a King though out of Possession; this Pardon should have reached no farther then 1648. because then K. Charles I. was Murthered, and his then Majesty deprived of his Kingdoms, till the Year 1660. The General Pardon, I say, ought to have stopped at 1648. unless we can imagine the King intended to rank those among Traytors, who appeared for his own Interest; and to pardon the Treasons committed against Cromwel and the Rump, which is a Supposition sufficiently Romantick, especially if we observe, That the pretended Indictments of High Treason against any of the usurped Powers, are considered by themselves in the next Chapter, and pronounced null and void: And the Styles of the Usurpation, Keepers of the Liberties of England, Protectors, &c. notwithstanding their plenary Possession, are declared to be most Rebellious, Wicked, Trayterous, and Abominable, and Detested by this present Parliament. And why all these hard Words? Be-

in the highest Degree to his Majesties most just and undoubted Right. That the Doctor may not complain for want of Evidence in this Matter, I shall cite him a Proclamation of both Houses, for Proclaiming King Charles the Second, Dated May 8. 1660. It begins thus, "Although it can be no way doubted, but that his Majesties Right and Title to his Crowns and Kingdoms is, and was every way COMPLETED, by the Death of his most Royal Father, &c. without the Ceremony, or Solemnity of a Proclamation: Yet since the Armed Violence of these many Years last past has hitherto deprived us of any such Opportunity, wherein we might express our Loyalty, and Allegiance to his Majesty; We therefore, &c.

Now if the King's Right was every way Completed at his Fathers Death, and the Allegiance of the Subject was due to him before his Restauration, than Treason was committable against him; for Treason is nothing but a high Breach of Allegiance. But this Proclamation is so plain, that there needs no farther Comment upon it. And thus I have made it appear from the Resolution of all the Judges in two distinct and celebrated Cases; by Proclamation, and Acts of Parliament, that Treason lyes against the King, though out of Possession: Which performance the Doctor is pleased to call *Proving the Point*; and looked upon it as an impossible Alleg. p. 60. Undertaking.

The Doctor's next Observation begins very obligingly for the Crown: And seems to insinuate, that the Subjects need not disturb themselves with Fears and Jealousies: For in case a Prince should be enclined to stretch his Prerogative, *He can't hurt them, unless they will betray their own Liberties, and venture to be Hanged for it.* And who would venture an Execution only for Robbing himself? There is no fear the Majority of the English Nation especially should ever be guilty of such an Extravagance: So that now, one would think, all was safe enough: But it happens quite otherwise. For the Doctor flies out unexpectedly against Arbitrary Power, makes indecent Reflections; and gives all Princes a Second Admonition to take warning. And after this fit of Schooling is over, he argues thus, *That if the Oath of Allegiance*
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Ibid.

does not oblige Subjects to defend a Prince in the Exercise of an Arbitrary Power; He thinks it much less obliges them to restore such a Prince. To this granting the Doctors supposition, for Disputes sake, I answer; That notwithstanding the Subjects are not to act for the promoting of Arbitrary Power; yet they are bound to support an Arbitrary Prince, supposing they have one. This the Doctor must grant, unless he will maintain, That a Sovereign, and unaccountable Power, may be Forfeited by Maladministration; which, I think, is a Contradiction. For all Forfeitures imply a Legal and Superiour Court, to take Cognizance of the Cause, and pronounce Sentence; which cannot be supposed in this Case, without making a Superiour to a Supreme. And if Sovereign Power is Unforfeitable, than the Right of him, who is vested with it, must always remain: And if so, the Subjects are bound to support him in the Exercise of it, though it may be sometimes over-strained into Rigour.

Let us try the Doctor's Argument once more. *The Subjects are not obliged to defend a Prince in the Exercise of Arbitrary Power.* They are not bound to maintain the Excesses of a Prince's Prerogatives; therefore they may deny him his just Rights. They are not bound to give him more than his Due; therefore they may give him less, or take all away from him. 'Tis a fault to break the Laws in Favour of the Crown; therefore we may break them for Rebellion; Where lyes the Equity and Logick of these Propositions? A less Master of Thinking than the Doctor would have found out the Distinction between Arbitrary and Regal Power, and concluded that our Obligations not to promote the one, did not discharge us from supporting the other.

Alleg. p. 31.

His Inference, That the *making and receiving Addresses of Lives and Fortunes, is supposed to signify some other Defence than the Oath of Allegiance obliged the People to*, is not Mathematically drawn. For may not Men make a Recognition of their Duty, and give fresh Assurances to perform that which they were obliged to before? What is more common in Religion, and Civil Conversation, than to renew former Engagements, by repeated Promises, and Solemnities of Action? These Addresses of Loyalty refresh the Obligation of the Subject, and the

the good Opinion of the Prince: And therefore it's no wonder they are kindly received, though they present him with nothing but his own: I don't mean that the People have no Property in their Lives and Fortunes; but only that they are bound to expose and resign them to the Publick, i. e. their Prince's Interest, when Occasion requires.

The Doctor remarks farther, That the Oath of Allegiance is a National Oath, and therefore the Defence or Maintenance we swear is National; that is, to joyn with our fellow Subjects in defending the King's Person and Crown. ---- But in case the body of the Nation absolve themselves from these Oaths, and depose their King, and drive him out of his Kingdom, and set up another Prince in his room; it's worth considering, whether some private Men are still bound by their Oath. And immediately concludes, certainly this was not the Intention of the Oath; for it is a national, not a private Defence, we swear. I confess the Doctor has stated the Matter of Fact notably enough, about, *Absolving, Deposing, Driving out, Alleg. p. 31, 32. Setting up, &c.* But the Consequence he infers from thence I cannot understand, for these following Reasons.

First, because there is nothing in the Form of the Oath to countenance this Interpretation; but the contrary. For by the Oath of Allegiance every Person "Swears to bear Faith" and true Allegiance to his Majesty and his Heirs, &c. and "him and them will defend to the uttermost of his Power. Whence I observe,

1. That the Swearing in the Singular Number, and without Conditions of Assistance, is an Argument that every individual Person is bound to unalterable Fidelity to the Crown; without any Relation to, or Dependence upon, the Behaviour of his fellow Subjects.

2. He that runs in to a Majority of Revolters, does not defend the King to the uttermost of his Power: For the King has neither his Counsel, the Reserve of his Person, nor the Example of his Constancy; some or all of which might have been serviceable in their way, and were in his Power to give him.

Dr. Sherlock's Allegiance considered,

him. Nay, he is so far from defending the King to the *utmost* of his Power, that he consigns himself and all his Power into the hands of the Usurper, to be employed against his lawful Sovereign; which is as direct a Contradiction to the Words and Intention of the Oath as can possibly be imagined. Farther, the Oath declares, "I do believe, and am in Conscience resolved, That neither the Pope, nor any Person *whatsoever*, hath Power to absolve me of this Oath, or any part thereof. But the Doctor is of another mind, and concludes, That when the *great Body of the Nation has absolved themselves*, their Neighbours are absolved too. I suppose the Doctor will not quibble upon the Word *Person*, and argue that though the Pope, nor any other *Person*, has any Power to absolve us, yet the People may; because they imply another Number, and include a Plurality of *Persons*. If he objects in this manner, the latter end of the Sentence is sufficient to disappoint him. For there we renounce all *Dispensations to the contrary*: Which Clause is levelled against Popular, as well as Papal Plenitude of Power, and comprehends the *Westminster-Infallibility*, as much as that of *Rome*. Lastly, "all these things are sworn according to the express Words spoken; and according to the plain and common Sense and Understanding of the same Words; and without any Equivocation, or Mental Evasion, or Secret Reservation whatsoever.

But to swear with this private supplemental Sense, That we will bear Faith and true Allegiance to the King, provided the Majority of his Subjects will do so too; if this is not a plain wresting of the common Sense and Understanding of the Words; if this is not a Mental Reservation to purpose, I despair of seeing any such in the *Jesuits Morals*.

Secondly, This Construction of the Oath makes Government very uncertain, and precarious. The Dr. frequently flourishes with the *Body of the Nation*; I hope he does not think the Nation is all *Body*. By this *great Body* I suppose he must mean the Majority of the Kingdom. Now if a Government lyes at the Discretion of the Multitude, it must needs be admirably provided for! If a King must go to the Poll for his Sovereignty; and
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and we are obliged to tell Noses, to know whether our Allegiance continues, or not; we are likely to enjoy the Blessings of Peace and Order at a great rate. The generality of Mankind formerly don't use to be over-burthened either with Prudence or Conscience; and I don't perceive that this Age has much mended the matter: Which makes me wonder why the Dr. should give them such an unbounded Privilege; to pull down and set up Kings; to dispence with Oaths and other Commandments; to repeal Laws; to transferr Titles, and turn the World topsy turvy, at their pleasure. But which way does the *Great Body of the Nation absolve themselves from these Oaths*? By Law? No. They are not the Legislative Power. The Parliament it self cannot pretend to this Privilege without the King. This *Great Body* are Subjects like other People when they are separate, and dispersed. Whence then comes the sudden Alteration? Can they rendezvouz themselves into Independency? Can a Crowd give a man a Dispensation purely by the Magick of their numbers, and the Disorder of their Meeting? This makes the Composition work incredibly beyond the vertue of the simple Ingredients. Who would live alone, if Company can do all these Wonders? Well! Possibly the Dr. means, This Great Body can't absolve themselves from their Oath lawfully; but when they have once done it, their Act must stand. Can they not do it Lawfully? Then certainly not at all: For in these cases *id tantum possumus quod jure possumus*. Who ever heard, that unlawful Absolving, or a Dispensation against Authority and Right, signified any thing? However, this is the Dr's meaning, which makes him still more incomprehensible. For,

3dly. This Construction confirms the highest Breaches of Law, and gives Force and Authority to the most irregular Proceedings. It does not warrant the Deposing Act, it's true; but when it's over, it gives it a Blessing, and pronounces it valid. The Pope sometimes pretends to depose Princes by a Privilege of Right: But this Doctrine scorns to be beholden to a Colour of Justice, but does the same thing by a Privilege of Wrong. It sets Violence in the place of Law, and gives Treason and Authority the same effect.

And how the difference between Good and Evil can consist with such a Latitude, is somewhat difficult to understand. But what can the *minor* part of the Subjects, *perhaps but a little handful*, do towards the restoring their King? Why, they can shew an exemplary Firmness and Resolution, which may probably encrease their numbers, and awaken the better-meaning part of the People into right Apprehensions of their Duty. They can wait God Almighty's leisure, retain their Integrity, and save their Souls: And is all this nothing?

The Dr. has a farther Reserve, and that is, *An Oath to fight for the King, does not oblige us to fight against our Country, which is as unnatural as to fight against our King.*

As *unnatural*; then it's unnatural to fight against our King; which is worth the observing. To go on, and,

1. As the Oath of Allegiance *does not oblige us to fight against our Country*, so neither does it to fight against our King: If it did, it has been well kept. Besides, I would gladly see a reason why we ought to prefer the Country to the King. Did we swear Allegiance to the Country, or has it any Authority over us independent of the King? If not, why should we esteem Multitudes above Justice, and side with the Subject against the Sovereign?

2dly. We are to remember, That the Dr. disputes upon a Supposition of Usurpation; and therefore the Assistance of our Country does not belong to his Plea: For those who appear for the Rightful Prince, for the Laws and Establish'd Government of the Country; they, and no other, are properly speaking the Friends of the Country. If the Dr. takes the Country on any other notion, he must make it a Wilderness of Disorder, or a Den of Thieves. And to carry on the Dr's Supposition; To fight against Revolters, is not to fight against our Country. They have no Country to lose, but have forfeited the Privileges of their Birth and Industry, by their defection: And though they may find Favour if they seek in time, yet they can challenge none. The Dr. was apprehensive, that this Post was scarcely tenable, and therefore after a little skirmishing, retires to the main Fort, his pretended *Disposal of Providence*: And after all, he grants, That *Subjects must have Regard*

to Legal Right. And if they pull down a Rightful King, and set up a King without Right, they greatly sin in it. Most certainly. And therefore one would think, when they have set up a pretended King without Right, they ought to pull them down again, and not persevere in the Breach of their Duty.

Ibid.

What the Dr. adds by way of Parenthesis, That *Subjects ought not to remove or set up Kings without Legal Right, unless the Constitution of the Government should in some cases allow it*; is somewhat unintelligible. 'Tis true, some people would make us believe, though without Reason, That the Constitution does acknowledge an Illegal Prince, after he is once set up and established: But that it should allow the *setting him up* in any case, I suppose was never heard of till now. If the Constitution allows of its own Violation, and the Laws grow lawless, and give Men Authority to break them, it's time to look out for some other Government. I can guess what the Dr. would have called such disputing as this is, if he had caught an Author at such a disadvantage.

Ibid.

The Dr. proceeds to another Objection, viz. *This Doctrine of his makes it impossible for an injured Prince to recover his Right.* This is a severe Charge; How does he purge himself? Surprisingly enough. He tells you, *It may be called a Difficulty in Providence, if you please; but it's no Difficulty to the Subject, unless a passionate Affection for the dispossessed Prince makes it a Difficulty.* Otherwise it will rub off easily enough: For, 'tis but yielding to Necessity, and leaving every thing else to Providence, and there is an end of that business. But what if the Subject has a *passionate Affection* for Justice, as well as for his Prince, and can't draw his Sword against the Laws with any manner of satisfaction? What if he is afflicted to see a brave, a generous, and good-natur'd Prince so deeply injured? What if he has an aversion to Violence, and hates to *strengthen the Workers of Iniquity*? If he has not command enough of his Conscience to conquer all these Scruples, what Relief can the Dr. give him? Very little that I know of. And as for his calling it a *Difficulty in Providence*, he must either mean, That it's a Difficulty to God Almighty, or else, That it is to human Understandings an incomprehensible way of proceeding; for Providence to

Ibid.

bar a good Prince of his Right, only for having treacherous Subjects, and bad Neighbours. And if this be his meaning, I agree with him, unless we had a particular Revelation to clear the point. But then I must add, That the Dr's Scheme bearing thus hard upon the Attributes of God, is but a bad Argument to conclude the reasonableness of it. He says, *No man could have foreseen how Ch. the Second should have returned, who had a powerful Army against him; or J. the Second be driven out of his Kingdom at the Head of a powerful Army, without shedding of Blood.* Now, the reason why the latter instance of this Mystery was so difficult to penetrate, is given by the Prophet: *Because the Heart is deceitful, and desperately wicked, who can know it?* However, according to the Dr's Application, Providence was as much concerned in the one as in the other; as much engaged to incline Men to desert and betray their Prince, as to return to their duty to him. He goes on to inform us, That *all the Plots and Conspiracies of the Loyal Party were vain, and had no other effect, but to bring some worthy and gallant men to an unhappy End.* All the Plots, &c. That is, the Loyal Party plotted to restore the Government, and conspired against Rebellion. This is somewhat oddly expressed; but new Language, and new Notions, do well together. I perceive the Dr. is resolved to furnish out Cloth and Trimming too, for one bout. But after all these fine words, if his Doctrine holds true, these *Gallant Worthy Men* were no better than *Open Whorers*, and Traytors to God and the Commonwealth.

Some People will likewise wonder, since he had bestowed such Commendations upon the Royallists, why he should tarnish their Character, by saying they came to an *Unhappy End*. If he means it with respect to their Friends, it might be so: If in relation to themselves, it's utterly deny'd: For, is it in earnest a Misfortune to sign our Loyalty with our Blood, and to dye in defence of the Laws? Is it an Unhappinefs to value our Honour and Integrity above our Lives, and to expire in Constancy and Greatness? If the Case be thus, the Martyrs came to an *Unhappy End*: But I shall dismiss this Argument. The Dr. is at last apprehensive, lest this Doctrine should prove

Alleg. p. 33.

Jer. 17. 9.

Alleg. ibid.

inconvenient and dangerous to Princes; and answers the Objection, by saying, *The contrary Doctrin is much more dangerous to Subjects: Whose Interest, it seems, must be preferr'd, though their Behaviour be never so monstrous and irregular. I shall afterwards endeavour to shew, That the Security of the Subject is better provided for, upon the old Principles, than by this new Scheme. But why is the contrary Doctrin so dangerous to the Subject? Because it's a Folly to believe any Princes will endure those who are oblig'd by Principles of Conscience to oppose and disown their Government. Is it Folly to think any Prince will endure such things? Then it's Folly, it seems, for him to endure them.*

Ibid.

Ibid.

Here the Dr. has given us a Cast of his good Nature, and shewn what a kind Advocate he is for his Brethren the Non-Swearers! But why will he not endure them? Does the Dr. think no Prince will endure a Man that has any Principles of Conscience? Not when they are turned against him. Why not, if there is no Malice in the Opposition? Why should any Power persecute People to the death, merely because they are willing to go Heaven, and are afraid of being damn'd? An intruding Prince, if he has any Spark of Honour or Generosity in him, if his Temper be not as ill as his Title, won't sacrifice such Persons to *Rage* and *Resentment*: Not only because such sort of Revenges look uncreditably and mean, but because he knows his Interest is not declined out of Humour or Animosity, but upon the score of Principles and Duty.

The Dr. undertakes another Objection, which lies against his Doctrin of Providence, viz. That *Pirates and Robbers have as good a Title to his Purse, as an Usurper has to the Crown.*

Alleg. p. 34.

What he has brought in answer to this in his *Case of Allegiance*, I have already considered. But he has since endeavoured to support himself upon some new Reasons in his *Vindication*, and therefore these must be likewise examined. Before I enter upon this matter, it may not be improper to take notice, That the Dr. was forced to make use of such extensive Principles in his first Book, that, like a large Town, they are much the weaker for their Compass: Which makes the defence

Alleg. p. 15.
34.

Alleg. p. 12.

Ibid.

Vind. p. 45.

fence of them at all Quarters utterly impracticable. I am mistaken, if that which I have formerly alledged, together with the obvious Consequences which result from it, does not contain an Answer to what the Dr. has lately produced: For if, as he maintains, *all Power, whether Legal or Illegal, is from God, and a certain sign of his Authority; if Providence orders all Events which are for the Good or Evil of private men, as well as publick Societies; if there is no difference between the Divine Permissions and Approbations; no Evil in the City which the Lord has not (barely permitted, but) done.* If all this be true, I confess I cannot understand why a Robber's Title is worse than a Usurper's. However, since the Dr. continues of another mind, the Grounds of his Dissent shall be considered.

Now he endeavours to shew, That private Robberies and Usurpations have not the same Effect and Confirmation from Providence. Because all private Injuries are reserved by God himself, to the redress of publick Government, therefore his Providence has no Effect at all upon such Personal Rights.—— But such Disputes which are too big for a legal decision, for the decision of which God has erected no Universal Tribunal upon Earth, He has reserved to His own Judgment; such as the correction of Kings, and the transferring of Kingdoms. And here the final determination of Providence, in settling Princes upon their Thrones, draws the Allegiance of the Subjects after it. 'Tis granted, That Government is appointed by God for the redressing private Injuries; but it's likewise as true, That all Injuries of this kind are not actually redressed. There are very many Irregularities committed by the Subjects, towards each other, which remains uncensured and unrectified by the Courts of Justice; and therefore, why should not Providence interpose by way of Supplement, and determine private Property by Events, as well as the Dominions of Princes? Subjects, by their Immoralities and Mismanagement, deserve ostentimes to be chastized, and dispossessed of their Fortunes: Why therefore should there not be a Court of Events set up to assert the Sovereignty of Providence, and to supply the defects of Human Justice in one Case, as well as in the other?

But

But Providence has no Effect upon such Personal Rights. Is it because they are Personal? Then it can have no Effect upon the Crown; for that surely belongs to the King's Person. The Dr. cannot deny, that God is supreme Lord of private Estates, as well as of Kingdoms; and that He disposes them according to his pleasure: And since *He orders all Events which are for the Good or Evil of private Persons*, it follows, by inevitable consequence, that whatever any man can catch, is God Almighty's Gift, and then surely there is no reason to question the Title. God in erecting Courts of Judicature, did not intend to make the Subjects, any more than the Prince, independent of his own Jurisdiction; or to exclude Himself from any part of the Government of the World. And therefore, if all publick Changes and Revolutions of Kingdoms are certain Signs of God's Approbation, and fortified with his Authority, we ought to conclude the same with respect to inferiour Concerns. If the Successes of Violence always draws *Allegiance after them*, and translates the Authority from the Rightful Prince to the Usurper, I see no reason why they should not have the same consequence upon private Property; for, that Cause which can produce a greater Effect, may, no doubt, produce a less of the same kind. If *Providential Events* can unsettle the Crowns of Princes, 'tis strange they should not have an equal Jurisdiction over things of an inferiour value. If this Principle is sufficient to overturn the Fundamental Laws of a Kingdom, and to transferr the Prerogatives and Royalties of Government, I wonder how any petty private Rights can stand before it. Have private Rights a firmer Establishment than the publick? And is the Property of Crowns more precarious, and slenderly guarded than that of a Cottage? If *Events* can give an Island or a Continent, to every Victorious Usurper, why should a more modest Robber, who makes himself Master of a small Sum of Money, be denied the same Privilege of his Industry or Courage? This is great Partiality, and by the Dr's Reasoning, a *Confining Providence* with a witness, and fettering it with Courts of Human Justice: So that God can't dispose of the Property of the Subject, unless the Judges and Jury are pleased to consent to it. The truth is, the Dr. has made

Alleg. p. 25.

made the Condition of Princes very lamentable. As for Subjects, when they are injured by Theft or Intrusion, their Property remains entire, and they have the Remedy of Law to relieve them: But Princes must not pretend to these Securities, when they are once disseized, though never so unaccountably; their Authority is out of doors, and they must sit down by their Misfortune without Redress: They are to Govern only *durante bene placito*, no longer than the Sense and Conscience of the People will give them leave; two Qualities which seldom fall to the share of the *majority*: And which is an harder Consideration than all the rest, it's their Honourable Relation to God Almighty which puts them into these circumstances of disadvantage: Had they not had a Commission from Him, their Right had been fenced, as well as those of other Men; but their being His Ministers, to Rule the World, has cut them off from the common Privilege. This must needs be a mortifying Consideration to Princes, and make their Charge a very dangerous Undertaking. Who, that could live any other way, would wear a Crown at this rate? Who would change the Title of Private Property, and throw himself out of the protection of the Law, for such a glittering Uncertainty? Who would quit a certain and solid Interest, and expose himself to all the Humours and Accidents, the Wickedness and Extravagance of Human Nature is capable of producing? 'Tis certainly much more eligible to have the Security of stated Justice, than to stand to the Courtesie of *Events*, and lye at the Mercy of Ambition, and the Madness of People.

But, *Such Disputes which are too big for a Legal Decision, for the decision of which God has erected no Universal Tribunal upon Earth, He has reserved to his own Judgment.* What sort of Dispute does the Dr. mean, and between whom does it lye? Is it between the Lawful Prince and the Usurper? If so, the very Names of the Parties are sufficient to end the Controversie. For certainly there is no need of disputing, whether Right is Right, or Wrong is Wrong. The Dr. I fear to perplex the Argument, seems to perplex the Title, and disputes, as if it was equally doubtful on both sides; and then, I confess,
Events,

Events, i. e. Possession might determine it. But this cannot be supposed, without altering the state of the Question: For the Dr. has put the Case at the worst, and reasoned upon the *Supposition of Usurpation*; and owns, That his Principles oblige him to do so: And would our Author have a *Universal Tribunal erected*, to overthrow Universal Justice; to dispossess and exterminate Lawful Princes, and determine the Cause in Favour of Violence? Well! Possibly the Dr. means, this *Dispute* is between God and the Lawful Prince. 'Tis for the *Correction of Princes*, and the *Transferring of Kingdoms*. Touching the transferring of Kingdoms, there are several ways, as I have already observed, of maintaining the Divine Sovereignty in this point, without making any *Difficulties in Providence*, and sapping the Foundations of Common Right. And as for the *Correcting of Princes*, God does not stand in need of Injustice and Rebellion for this purpose; He can execute this Discipline without the necessary Wickedness of the Subject: He can afflict Princes in their Families, and in their Persons: He may likewise suffer them to be over-run by Violence, without giving any Approbation or Authority to the Oppression. As he suffers the Devil to do a great deal of Mischief, though He neither gives him a Commission, nor ratifies his Acts. Besides, there will be an *Universal Tribunal erected* at the last day, where Princes must appear as well as meaner persons; and where mighty Men, if they have done amiss, will be mightily tormented. Thus we see Kingdoms may be transferred, Princes punished, and God's Prerogative asserted, without returning to the Doctrine of Events. These Expedients are plain, and lye easie upon the Understanding, and answer all the Difficulties objected by the Dr. without running us upon greater. Thus Kings, who are only less than God, are left to his Sentence and Correction. Whereas the Dr's Scheme puts them in the Power of the People; and gives a Rebellion, when it's grown General, a Privilege to cancel the Regal Authority, and to absolve the People from their Allegiance. Now, for Subjects to sit Judges upon their Prince, and Inferiours upon their Undisputed Supream, is the greatest Affront both to Decency

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and Duty imaginable. The Dr's Remark, That the *final Determination of Providence*, in settling Princes (*i. e.* Usurpers) draws the *Allegiance of the Subject after it*; is worth considering: For what sort of Determinations are these? They are against Law and Human Right. When do they commence, and what Signs have we to distinguish them by? Why, when Wickedness is in its Exaltation, and Rebellion is grown Invincible, then it is that Providence determines the point for Usurpation, and gives it a Divine Authority; then God, it seems, discharges the People from their former Engagements, and gives them leave either to Chuse or Submit to a new Power. The Dr. thought to clench the business by the word *Final*, but, as ill Luck would have it, it has spoiled all: For the Dr. in his *Case of Allegiance*, has observed, That the Usurpers being placed in the Throne at present, and the Lawful Prince removed, does not prove, that it is God's Will it should always be so. And upon this Argument he founds the Ejected Prince his Legal Right. Now, if this *Determination* is of an uncertain continuance, it cannot be termed *Final*; for Providence may reverse it in a short time, for ought we know to the contrary. Farther. Either this *Determination* is *final*, or not; if it is, then God cannot restore the Rightful Prince, nor dispossess the Intruder: And is not this to confine Him to *Events*, *i. e.* to Human Actions, and to hinder him from the free disposal of Kingdoms? If this *Determination* is not *final*, then it signifies nothing; for by Implication from the Dr's Argument, it draws no *Allegiance after it*. Besides, the Reader may please to take notice, that I have proved above, That *Events* are no Declarations of the Will of God, nor any good Grounds for Practice; especially when they are neither agreeable to the Rules of Justice, nor warranted by express Revelation.

The Dr's next Argument for a Disparity between Usurpers and Robbers, runs thus. *Kings must be thoroughly settled in their Government before it becomes unlawful for Subjects to dispossess them. Therefore to make the Case parallel; he who seizes another Man's Estate, must be thoroughly settled in it, before*

fore it becomes Unlawful to dispossess him: But that no private man can be, who is under the Government of Laws, and has not the Possession of his Estate given him by Law. Under favour, I conceive the Case is exactly parallel. For instance; If a Man picks my Pocket, and runs away with the Money, it must, by the Dr's Principles be his own; for the Event is clearly on his side: He has Possession as well as an Usurper, and the same Countenance of Law for keeping it. He has moreover the Consent of the Great Body of Pick-pockets, who all submit to his Success, and acknowledge the Justice of his Title; and, Who can now deny his being thoroughly settled in the Money? If the Dr. replies, he may be punished, and obliged to refund, provided he can be seized.

I answer. So doubtless may an Usurper be served, if the Lawful Prince can catch him. But then it follows, that so long as he remains undiscover'd, he is, I can't say a Legal, but a Providential Proprietor, and therefore not bound to Restitution. However, to give the Dr. entire satisfaction, I shall not insist upon his Concealment, but bring him into open view; which may be done without disturbing his Settlement; for it often happens, that Thieves, with a Guard of their own Perswasion, retire into Bogs and Mountains, where, though the true Owners know their Retreat, there is no coming at them. Now, as long as they remain in these impregnable Circumstances, together with the Advantages I just now mentioned, I can't see the least Colour of Reason from the Dr's Principles, why they should not have a Divine Right to all their Booty.

Lastly, The Dr. to prove these two Cases unparallel, apprehends a great difference between a Legal Right to the Crown, and the Legal Rights of Subjects to their Estates. — In settling Estates there is nothing more required, but a meer Human Right: But to make a Legal King, besides an Human Right to the Crown, he must have God's Authority; for a meer Human Right cannot make a King. This the Dr. urges, to obviate an Objection, That it is as wicked and unjust for Subjects, whatever their Circumstances are, to own any other Prince, but the Legal Heir,

Vind. p. 47.

Vind. p. 54, 55

Id. p. 54.

as it would be for Tenants to pay their Rent to any but their true Legal Lord.

But his Answer is by no means satisfactory. For,

1. I have proved, That an Usurper has neither Human nor Divine Right; and therefore I desire the Dr. would not bring him in for his Share of Privilege, among Legal Landlords, and Legal Kings, till those Arguments are answered; for certainly, he that has no Right or Authority, ought not to have the same Treatment and Duties paid those with those that have.

2/y. If a private Landlord, who, it seems, has no more than a meer *Human Right* to his Estate, does not forfeit his Title by being unjustly disseized, Why should a Prince be in a worse condition, who Claims under greater Advantages, and has the Laws of man, and the Authority of God to secure him? If a single Legal Right is able to hold out against Force and Intrusion, one would think it should improve by being doubled, and not grow weaker by having Divine Authority superadded to it. Now the Dr. grants, That every Legal Prince is fortified with Divine Authority; and therefore, if Violence cannot extinguish a private Right, it must be, if possible, less prepared to do any execution upon a Crown.

3/y. To take away the difference the Dr. apprehended between private and publick Property, I answer, That if he means by *meer Human Right*, an Authority from Men, only as Men, without any higher original; then there is more required for the *settling an Estate* than a *meer Human Right*. For, Men abstracting from the Commission they receive from God, and the Subordination He has placed in the World, are all equal, and have no Authority to make Laws and bind Property; they have no superiority of Nature over each other; they have no Prerogative from Creation, from Preservation, from Omniscience and Omnipotence; they have neither Heaven nor Hell at their Command, and therefore have no reason to claim a Jurisdiction over their Fellow-Creatures in their own Right. If their Laws had not their Sanction from a Superiour Authority, it would be

no Sin to break them, for every one might take his Measures as Humour or Interest should direct them: Therefore, to keep the World in order, God has confirmed Human Laws with his own Authority, and threatned to punish the Violations of them with no less than Damnation. From whence it follows, That whoever has an Human Right to an Estate, has likewise a Divine Authority to secure it; for we are commanded to obey the *Ordinances of Man*, by God himself, and Property is of his appointment: So that as long as the *Human Right* to an Estate continues, the owner enjoys it, by God Almighty's Order and Appointment (unless he declares expressly to the contrary) which, doubtless, carry his Authority along with them. 'Tis true, private Proprietors have not a Divine Authority for the same great purpose with Princes; they have it not to Govern, and make Laws; to represent the Majesty and Sovereignty of God; but they have it to fix the Bounds of *Menum* and *Tolm*, no less than Princes have to assure their Government.

Farther. If Kings, as the Dr. grants, are made by a Divine Authority, their publick Acts, particularly their Laws, must have the same privilege: For those Acts which are but Executions of the Royal Office, and for which the Office it self was intended, must have the same Authority with the Office; and if the Laws of Kings have a Divine Authority, the Estates which are settled by those Laws, must partake of the same Advantage, and have more than a *meer Human Right* for their Security. Thus I have considered what the Dr. has urged for a Disparity between Usurpers and private Robbers, and unless he has something farther to say in his defence, the Consequence I have drawn upon this Head must stand in full force against him.

The next Objection which the Dr. endeavours to remove, is the Instance concerning *Joash* and *Athaliah*, which, he says, was a *peculiar Case*, because God had entailed the Kingdom of *Judah* on the Posterity of *David*. Alleg. p. 34, 35

I have made it appear above, that there is no difference between an Human and a Divine Entail, as to the Strength and Firmness of the Settlement, because they are both founded

ded upon God's Authority. But since the Dr. has endeavour'd to reinforce his Answer in his *Vindication*, I shall briefly consider what he has there alledged.

Vind. p. 42.

First, The Dr. grants, that Princes have their Authority of Government, and consequently of making Laws from God. But yet we are to think Divine Political Laws much more sacred and universally obligatory than meer Human Laws. 'Tis confessed, That Divine Laws are to be preferred to Human upon several accounts, but this difference does not in the least affect the Obligation of the Subject, and therefore is nothing to the Dr's purpose. However, it may not be improper to point out the Circumstances of Advantage: By the way we may remember, That we are not now disputing about Moral Laws, but only those which are *positive* and political. Now, the preference which Divine Laws of this nature ought to have above those which are meerly Human, depends upon these following Reasons.

1. Because of the Solemnity of their Publication, they are deliver'd in a more majestic manner, proclaimed by miraculous and extraordinary appearances of Nature. These Advantages of Promulgation exhibit the Authority of God as it were visibly to the Senses of the People, and make a more reverential and lasting Impression upon their Minds, than any Human Grandeur and Magnificence can do.

Jam. 4. 12.

2. Divine Laws oblige the Conscience by a direct and immediate Authority; for God is that one Law-giver, who has an original and independent Authority over us. As for the Ordinances of Men, they do not bind in vertue of their own Right, but only upon the account of a delegated Power, because God has commanded us to submit to them for his sake, because they are made by those who are his Ministers, and act in his Name.

1 Pet. 2. 13.

Rom. 13. 4.

3. Divine Laws are preferable in regard of the Excellence of their Matter; they are the Results of Infinite Wisdom and Goodness, and exactly proportioned to the Circumstances and

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Convenience of those for whom they are made: There is nothing of Over-sight, Passion, or private Design in them, to which Imperfections Human Laws are liable. Upon these three accounts, the Laws which are of God's own making, ought to be more highly esteemed than those published by Human Governours. But then these Advantages have no relation to the Sanction, nor hinder the Obligation to obey, from being the same in both; for where the reason of Obedience is the same, the Duty must be so too. Now Human Laws being confirmed by God's Authority (which is the Ground of our Obedience) as much as those which are called Divine, our Consciences must be equally engaged to both. 'Tis true, the Divine Authority is somewhat more remotely conveyed in Human Laws than in the other; but this distance does not make the Obligation less obligatory, nor give the Subject any Liberty to dispute; for, as the Orders of a Prince are to be obeyed, tho' delivered by inferior Magistrates, so God expects our Submission and Compliance, as much when he commands by his Representatives, as when He does it more immediately by himself. And therefore, what the Dr. observes concerning *Divine Political Laws*, that *they are more universally obligatory than any meer Human Laws*, is not always true; and when it is so, it does not proceed from the Kind of the Law, but the Privilege of the Legislator. I say it is not always true; for the *Mosaick Ceremonies* were Divine Laws, but these Laws were in force only in *Palistine*, and among the Nation of the Jews, and therefore the Obligation to obey them could not reach so great an extent by far, as an Edict of the *Babylonian* or *Persian* Monarchs, whose Empire was much larger. 'Tis true, a Divine Political Law may be more universally obligatory than a meer Human one, because God is universal Lord, and has a Right to govern all Mankind; which, it's likely, no one Prince will ever have. But this Disparity, if it should happen, does not proceed from the unequal Authority of the Laws, but from the different Jurisdiction of the Law-Makers: The one, it's granted, may Command farther, but the other within its proper Precincts is equally valid.

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Vind. ibid.

The Dr. affirms, That the *Dispute between Divine and Human Laws, and a Divise and Human Entail of the Crown, are of a very different nature.* But here he makes a distinction without a difference; for, are not all Entails grounded upon Law, Divine upon Divine, and Human upon Human Laws? Therefore in disputing the Entails above mentioned, we must debate the Nature of Human and Divine Laws, because these are the Basis upon which the respective Settlements are supposed to stand: From whence it will follow, that if the Authority of Divine and Human Laws is the same, the Entails depending upon either of them, must have an equal firmness. This Consequence it's likely the Dr. foresaw, which made him run out into a Mystical Discourse about Providence; which Principle I have already undertaken, and proved, That Providence, as the Dr. understands it, is no Rule of Practice: However, I shall consider the Remainder of this Paragraph a little farther. Now, the Dr's Reason why a *Divine Entail* is stronger than a meer *Human* one, is, Because the first is founded upon express Revelation; the later has nothing more than a *providential Settlement of the Crown, upon such a Family*; but *Providence is not to be expounded against the express Revelation of God's Will.* To this I answer, That an Human Entail has a great deal more to plead than the Dr's Notion of Providence. It has a Legal Right to support it's Title, which gives it an equal firmness with a Claim made from Divine Designation: For we have plain Texts of Scripture to submit to the Constitution of our respective Countries, and to look upon our Lawful Governours as God's Ministers. And since a Legal Right is fortified with express Revelation, it must have an equal privilege with a Divine Entail, and carry it against all Providential Pretences, by the Dr's own Argument.

Vind. p. 43.

1 Pet. 2.
Rom. 13.

Vind. ibid.

He goes on, and attempts to prove the difference between Divine and Human Laws, as to their Force; because *in the first Case the Authority of God gives an immediate Divine Authority to the Laws made by God; in the other Case, the Authority of God terminates on the Person, and does not immediately affect his Laws.* To this it may be replied,

1. That

1. That according to the Dr's description of a Divine Law, there are few or none of this Character to be found, either in the Old or New Testament; for the *Mosaic Law* was given by the disposition of Angels; and the Gospel was delivered by the Apostles. 'Tis true, those Precepts given by our Saviour, may be said to proceed from a Supreme and Sovereign Power. But then we are to consider, that his Humanity was the Organ of their Conveyance: So that by our Author's Reasoning these practical Manifestations of the Will of God, are but Human or Angelical Laws at the highest: For, not being delivered by the Deity Himself, the Authority of God must be conveyed at a distance, and terminate on the Person of the Minister who represents Him; and by consequence cannot immediately affect his Laws. Now this Immediate Conveyance is the Dr's distinguishing Privilege, which he makes essential to the Character of a Divine Law: And therefore I would gladly know why an Entail, grounded only upon a Prophetical or Angelical Law, may not be over-ruled by *Providential Events*, as well as an Human Legal Settlement: For Angels have no original Immediate Authority, any more than Kings, and Kings are called *Elchims, Gods*, as well as the other, and have as ample, and I may add, a more standing Authority to Govern Mankind, than any of the Heavenly Hierarchy. Now, if Providence, understood in the Dr's sense, ought to have the same effect upon those Laws, which were given by Angels or Prophets, as upon others, which are merely Human, as by his Argument it must have, then *Joash's* Entail was cut off by *Athaliah's* Possession, and *Jehojada* was guilty of Treason for deposing her.

2dly. It's not at all material as to the Dispute in hand, Whether the Divine Authority affects the Laws of Princes immediately or mediately? As long as we are certain of the thing, the manner of its Conveyance is no abatement of the original Vertue. The Dr. grants That Princes have God's Authority to make Laws. Now God's Authority to make Laws, implies a Right to make them: And since, as the Dr. observes, there are no Degrees of Right, there

Acts 7.

Psal. 82.

Right, Vind. p. 62.

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there

there can be for the same reason, be none of Authority ; and therefore it must be full and perfect where-ever it is. If the Divine Commission of an Human Law-giver is certain and unquestionable, we need enquire no farther ; for God's Authority receives no prejudice by being delivered to His Representatives : So that provided the truth of the thing is secured, the way of its coming to us, Whether by Removes, or not, signifies nothing ; for in this Case the distance of the Conveyance does not in the least weaken the Force of the Operation.

Vind. p. 44.

What the Dr. adds concerning *Divine Laws*, That they have a *Superior Authority* to all *Human Laws*, is true, but foreign to his purpose ; for God can null his own Laws, as well as those which are purely Human, as He has actually done in the *Mosaic Dispensation* ; so that the possibility of a Divine Repeal does not make any difference between Human and Divine Laws, they being both of them equally liable to such an alteration. Besides, we are to observe, that though God can repeal the Laws made by Himself, or his Representatives, yet we are by no means to suppose, that *Events* and *Providence*, as the Dr. takes it, are any Authentick Declarations of the Divine Will.

Ibid.

His Instance in the *By-Laws* of a *Corporation*, is likewise unserviceable ; for these private Laws, within the Precincts of the respective Towns, have the same Force with the more general Laws of the Kingdom, provided their Charter is comprehensive and full, and granted by those who have the entire Legislative Power ; which last Privilege cannot be denied to God Almighty ; and therefore his Authority must be as strong in the delegation as in its more immediate exercise.

The Dr. in his *Case of Allegiance*, to which I am now returned, endeavours to gain a Text in *Hosea*, from the usual Interpretation, and make it consistent with his Principles. Here, as the Dr. observes, *God expressly charges Israel with making Kings without him ; They have set up Kings, but not by me ; they have made Princes, but I knew it not.* To this the Dr. replies, *That this was not true, as to all the Kings of Israel,*
after

after their separation from the Tribe of Judah. If it was true of some of them, it's sufficient to justify the objected Exposition against him. This Answer therefore being perfectly inoffensive, I shall pass to his Second, in which he argues, That Baasha slew Nadab the Son of Jeroboam, and made himself King without God's express nomination. And yet God tells him, I have exalted thee out of the Dust, and made thee Prince over my People Israel. 1 Kin. 15. 27. 16. 2.

Now, if there were any difficulty in this Text, the Dr. has effectually removed it in his *Case of Resistance*; the Passage is not only well managed, but stands unrecanted. And thus it is. God having threatened to destroy Jeroboam's whole Family, Baasha fulfills this Prophecy, by the traiterous Murder of Nadab, (who succeeded his Father Jeroboam in the Kingdom) and usurped the Government himself, and slew all Jeroboam's House. This Murder and Treason is numbred among the Sins of Baasha; for which God afterwards threatened to destroy his House, as He had done the House of Jeroboam. And yet he having usurped the Throne, and got the Power into his hands, and no Man having a better Title than his, God is said to have exalted him out of the Dust, and made him Prince over his people Israel. — All which plainly shews, that where there is no regular Succession (i. e. where the Kingdom is not Hereditary, or the Royal Line is extinct) to the Kingdom, there Possession of Power makes a King. From whence it follows, that where there is a Regular Succession established, and an undoubted Title, there meer Possession of Power does not make a King. If the Dr. can confute this Reasoning, he may remember it is his own. But in my opinion it is unanswerable; and so I shall leave it, and proceed to the

3d. Which he calls the True Answer to this Text of Hosea; by which Character we may understand what he thought of his two former. In this Answer he affirms, That Israel was originally a Theocracy, (he must mean, after the Revolt of the Ten Tribes) as well as Judah; and though God at their request allowed them to have Kings, yet He reserved the appointment of them to himself, and appointed Jeroboam to be their first King: Therefore the fault the Prophet taxes them

with, is, their omitting to consult God for his Nomination, after
 Alleg. p. 36. Jeroboam's and Jehu's Line were cut off; for these were the
 only Kings named by God. But by the Dr's Argument the
 Ten Tribes should have consulted God about a new King,
 1 Kin. 11. 38. immediately after Jeroboam's death, because his Line was cut
 off; for the Crown was promised to his Posterity, upon
 condition of his own good Behaviour; which Condition was
 Vid. Hof. 1. notoriously broken by him. I might likewise observe, that
 it's very unlikely the Prophet Hosea, who lived so many
 Generations after Jeroboam and Nadab his Son, should charge
 the Children of Israel with an Omission at so great a distance of
 Time, which no Mortal then living could possibly beguily of.

But to come closer to the Dr. The Theocracy was deter-
 mined when Baasha made himself King; as the Learned
 Dr. Spencer has proved to satisfaction: The Theocracy (says
 Differt. de Theoc. Jud. he) was mightily weakened, and in a manner expiring under
 L1. c. 4. Sect. 2. Saul and David, but was quite as it were extinguished under
 Solomon. When the Kingdom was made successive, and the Ark
 fixed in the Temple, and the Urim supposed to be no longer Ora-
 cular, — Then it was plain, God had given up the Govern-
 ment, and resigned the political Supremacy to the Kings of Israel.
 If the Reader is desirous to see this Argument managed at
 length, he may consult the Author; for to avoid tedious-
 ness, I have cited him but briefly. Indeed, I need not
 make much search after Authorities, for the Dr. in his Case
 of Resistance, speaks as home as one would desire; he there
 observes, That after Saul was chosen King, the Government
 ordinarily descended not by God's immediate choice, but by the
 Right of Succession, (though now he is pleased to contradict
 it.) And having given an account how the Face and Mo-
 tions of the Government were changed, and that the Jewish
 Monarchs, in their Councils, in their State, and Defence,
 were conformable to their Neighbours. He adds, Therefore
 the Government of Israel by Kings was like other Human Go-
 vernment, liable to all the defects and miscarriages which other
 Governments are; whereas, while the Government was immediate-
 ly in God's Hands, the Administration, as He goes on, was under
 a quite different management. So that we see the Dr. has gi-

ven.

ven up the Theocracy rather sooner than the Learned Author I quoted before.

Now, if the Theocracy was determined before *Israel* and *Judah* were parted into two Kingdoms, we have farther Reasons to believe it had its period after their division, especially in the Kingdom of *Israel*; for in that Kingdom there was neither Tabernacle, nor Temple, nor Ark; there was no regular authorized Priesthood; no *Urim* and *Thummim*, no Symbols of God's Presence, excepting the Calves at *Dan* and *Bethel*, which were unacceptable to Him. 'Tis true, they had Prophets sometimes sent them; so had the *Ninevites*, and other neighbouring Nations; where they were very far from being under God's immediate Government. And therefore though the Theocracy should have continued till this time in the Kingdom of *Judah*, we have no reason to believe the Ten Tribes in the same condition; for they wanted the Signs of the Theocratical Superintendency, the Organs of Inspiration, and the Ministers, by which God was wont to execute his Orders, and direct the State. Now, what does the Dr. bring to confute himself, and the Reverend Dean, and the Inference I have drawn from them? Why, nothing but that *Jeroboam* and *Jehu* were made Kings by God's immediate Designation: But this Remark does not come up to the point; for *Nebuchadnezzar* had several Countries given him, by God's express Designation, and yet the *Babylonian* Monarchy was never taken for a Theocracy.

Jer. 27.

The Dr's next Essay is, to prove, That this Doctrin of Alleg. p. 36.
Allegiance to the present Powers, is founded on the same Principle with the Doctrin of Non-Resistance and Passive-Obedience, and therefore both must be true, or both false. This Argument he knows some men will not like: Which is no wonder, for I am pretty sure it's no good one; as will appear by examining his Proof. He tells us, Passive-Obedience is founded on this Principle, That God invests Kings with his Authority. True; God does invest them with his Authority, when they are either appointed by his immediate Designation; or claim their Sovereignty by the Constitution of the Country; for
 God

Rom. 13.

1 Pet. 2. 13.

Alleg. p. 36.

God declares, That the Higher Powers are his Ministers; and commands us to submit our selves to every Ordinance of Man, for his sake; and confirms Human Laws with his own Authority. So that where the Laws make it Treason to resist the Prince, there the Gospel makes it Damnation. And upon this Bottom the Doctrin of Non-Resistance stands. But it does not follow from hence, that Illegal Powers are vested with God's Authority: Yes, says our Author, this Principle equally proves, that all Kings who have received a Sovereign Authority from God, and are in the actual Administration of it, must be obeyed, and not resisted. But here the Dr. takes the matter in dispute for granted; he supposes a King and an Usurper to be Terms equivalent; he confounds the Notion of Authority and Force, and inferrs a Divine Right from the actual Administration of Power.

Now I have made it appear, that King is the Name of Right, not of meer Force; that Authority and Power are things vastly different; that Usurpers have no Authority from God, neither sovereign nor unsovereign; and that their actual Administration of Government is no more an Evidence of a Commission from Heaven, than any other Success of private Injustice: Therefore, unless he can disprove what I have urged upon these Heads, there is no danger of his making Passive-Obedience dependent upon his new Scheme. To the remainder of this Paragraph I have given an Answer already, which needs not be repeated.

Alleg. p. 37.

He complains, the Old-Church-of-England Principles limit the Providence of God in governing Kings, and protecting Injured Subjects; for, it seems, God has no way to do this, but either to turn the Princes Hearts, or to take them out of the World.

Very well! And is not their Reformation a sufficient Redress of the Peoples Grievances? Or are they not punished if they are damned for oppressing their Subjects? Besides, there are other Expedients, as I have shewn, by which Providence may correct Princes and relieve the Subject; and if there were not, those Remedies I have just now mentioned are much more intelligible than what the Dr. prescribes; for what can be a greater Reflection upon an All-

All-wise and Almighty Being, than to make him stand in need of the Sins of his Creatures? As if the Course of Providence must be stopped, unless it were relieved by Perfidiousness and Rebellion: As if God could not govern the World without setting it on fire; nor work any deliverance without involving whole Nations in Guilt, and Blood, and Ruin. If this is not *confining Providence* with a Witness, I am much mistaken. And tho' the Dr. seems to lament the Subject's Misfortune, because the Old Principles deny them the Liberty to own an *illegal Prince*, though he would be never so kind to them; yet I conceive, he will have no reason upon second Thoughts, to be dejected at this Consideration: For People are sometimes very liberal in disposing that which does not belong to them, and bribe high, at least in Promises, to gain their designs: But if every one might engage with those who would be kind to them, without any regard to Virtue and Honour, private Families would be very much disorder'd, and the Dr. might possibly be a Sufferer by this Latitude himself. And why must that Usage be put upon Princes, which, if it was offer'd a private Person, would be thought a great Injury? Since the Duties of Subjection are bound upon the Conscience, as strictly as any domestick Relation, we ought, doubtless, to take our Lot, for better for worse, and not be governed by our Inclinations in these matters. However, it seems hard that we must refuse our Deliverance, and not allow God to deliver us unless he do it by Law. But waving the familiarity of this last Sentence, I answer; That we have no reason to believe any Deliverance comes from God, unless it's managed in a regular defensible way: To the Law, and to the Testimony, if they speak not according to this, it is because there is no Light in them. He whose Character it is to still the Madness of the People, we may be sure, will never authorize and encourage it. The righteous God of Peace always speaks in the still Voice of Law and Justice, and is never to be found in popular Commotions, nor in the Tempests of Rebellion. But if this Argument fails, he has another, which is more considerable.

Alleg. p. 38.

Ibid.

Ibid.

P. 38, 40, 41,
44.

siderable at hand, viz. The necessity of Government, to preserve Human Societies; for Human Societies must not dissolve into a Mob; or Mr. Hobbs's State of Nature, because the Legal Prince has lost his Throne, and can no longer govern. — The preservation of Human Societies does of necessity force us to own the Authority even of Usurped Powers. — I believe it will be hard to persuade any considering men, That that which in such Cases (in Revolutions) is necessary to preserve a Nation, is a Sin. — For the end of Government is the preservation of Human Societies, — and the great Law of all.

In answer to this Argument, I shall endeavour to prove these Three things upon the Dr.

I. That he over-values the Preservation of Societies, which ought not to be maintained by irregular and unjust Actions.

II. There is no reason to apprehend, the Strictness of the Old Principle should dissolve a Country into a Mob.

III. If this Event should sometimes happen it would turn to the general Advantage of Society.

1. Society ought not to be upheld by Acts of Injustice. Since God does not allow private Persons to preserve themselves by injuring their Neighbours, why should we imagine He grants this Liberty to Great Bodies of People? Unless the universality of an Evil Practice can change its nature, and correct its Malignity. Does God hate Injustice in private Persons, and permit it at the same time to whole Communities? It's somewhat strange, a Multitude should not be bound to the Common Laws of Justice and Humanity; and that Sinners should grow Saints, merely by crowding together. And if this Supposition is absurd, then certainly Justice and Moral Honesty are to be preferr'd before the Concerns of Society. Now, to deny any person his Right, much more to break the Fundamental Laws of a Kingdom,

is certainly Injustice, and therefore the number of Adherents can't alter the Quality of the Action, though they may aggravate the Crime. 'Tis true, Self-preservation is a good thing, but as some People order the matter, we shall have little left worth the preserving. When we talk of preserving our selves, we should comprehend the whole Interest of Human Nature, especially the nobler part of it, and not confine our Notion to the Satisfactions of Epicures and Atheists. We should take care to preserve our Integrity, as well as our Wealth; our Reputation, as well as our Ease; and our Souls, as well as our Bodies. Which cannot be done, unless the Measures we go by are regular and defensible. To illustrate this general Discourse by an Instance, Let us suppose a whole Country or Nation reduced to such streights, that they have no other way to save their Lives, but by turning Turks or Heathens; What is to be done in this Case? Have they the Liberty to comply, or must they submit to the Penalty? If they may comply, the Evangelists were mistaken, and the Martyrs Self-Murderers. If they may not, it follows, that some things may be necessary to the Preservation of a Society, which are notwithstanding utterly unlawful. And, that the general danger of refusing to comply with an Imposition, does not make the Compliance warrantable; *Tully*, though a Heathen, could say, *Cic. Lib. 1. de*
 "That there some things so lewd and flagitious, that a Offic.
 "wise and virtuous man would not be guilty of them, tho'
 "his Country lay at stake. And elsewhere he tells us, That
 "to take away that which belongs to another, and to en-
 "rich our selves at the disadvantage of our Neighbour, is
 "a greater Contradiction to Nature (and by consequence
 "ought to be more avoided) than Death, than Poverty or *Id. Lib. 3. de*
 "Pain; and in short, than all the Accidents which can happen Offic.
 "to Life or Fortune.

Again. "The Law of Nations, which stands both upon *Ibid.*
 "an Human and Divine Authority, does not suffer us to
 "make our selves Rich or Powerful with the Spoils of
 "others.

The same Author cites several noble Precedents (as he calls them) where the Publick was concerned, in which Honour and Honesty were valued above the Considerations of Security and Power.

Amongst other Instances, he gives one concerning *Themistocles*, who told the *Athenians* at a publick meeting, "That he had something to propose very much to the Advantage of the State, which was not convenient to mention in that place, and therefore desired they would assign him a proper person, to whom he might communicate it. They ordered *Aristides* to attend him. *Themistocles* tells him, "That the *Lacedemonian* Fleet, which was laid up at *Gythium*, might be burnt, provided the matter was managed with Secrecy; which Loss must of necessity ruine the *Lacedemonians*. Upon the hearing of this, *Aristides* comes into the Assembly, and makes his Report in general terms; That *Themistocles's* Proposal was indeed useful, but by no means fair and equitable: The *Athenians* understanding this, and not believing that any thing which was dishonest could be really serviceable, damned the whole Project upon *Aristides's* Authority, without so much as hearing it.

Ibid.

In this Discourse he likewise observes, That the *Stoicks* had such an Esteem for Justice and Generosity, that they positively pronounced, "That nothing which was mean and dishonest could be really profitable. The *Peripateticks*, another famous and numerous Sect of Philosophers, though they held, "That Honesty and Interest might sometimes be separated, yet they owned at the same time, That the first was always to be preferr'd to the latter.

Ibid.

I wish these Heathens don't rise up another day, and condemn some Generations of Christians, who with all their Advantages of Revelation fall so unfortunately short of Natural Religion and Pagan Virtue; who startle at the meer Idea of Justice, and can't bear the Confinements of Honesty so much as in the Theory; whose Principles and Practices tend to no other point, but to debauch and debase Mens Spirits, to make them mean and mercenary, and indifferent to Right or Wrong.

In short, Government had better be dissolved than upheld by unlawful means. God never intended Society should be made a Sanctuary for Vice, and serve only to promote the Ends of Injustice ; People had better live singly and dispersed, than incorporate for Mischief, and be tyed together with the Bands of Iniquity : If Men can't be honest in Company, let them break up and retire into Solitude. There is a necessity for a Man to keep his Faith unbroken, and his Honour untarnished ; but it's not necessary to live either in Towns or Villages, or indeed any where else, when Life must be bought at the expence of Virtue and Conscience. If Ease, and the regaling our Senses are to be preferr'd to Truth and Justice, it's time to resign up the Privileges of Human Nature ; instead of pretending to these things, we ought rather to go down upon all four, and resemble the Shape and Posture, as well as the Qualities, of Irrational Creatures. Is it not much more eligible, to be dissolved into Mob, than to range our selves in order, for the support of Injustice, and to play Tricks in Mood and Figure ? Let us rather chuse to *wander in Deserts and Mountains,* Heb. 11. 38. *in Dens and Caves of the Earth,* than combine, like the Men of Sodom, for Lewdness and Violence ; for the Pretence of a Community is no good Plea for Immoral Actions, nor any Shelter against *Fire and Brimstone.* *Fiat justitia & ruat mundus ;* Better no World than no Honesty. But

2. There is no Reason to apprehend the Strictness of the Old Principle should dissolve a Nation into Mob ; for, the Usurper's Interest will be sure to keep up the Face of a Government ; there seldom wants Compliers in such cases, to supply the Courts of Justice, and to take care of publick Administrations. A Lawful Prince is never dispossessed without a powerful Faction, who will be sufficiently vigilant to nurse up their New Settlement, and to throw their Irregularities into the usual form. And therefore, as we have no warrant, so neither have we any necessity to own a Pretended Authority, or to engage in the Business of Government ; for there is no fear, but that there will be Ambition, Covetousness, Cowardice, and other ill

Principles enough, to fill up the *vacant places*, and to manage the Concerns of this nature. But

3. Supposing this Event the Dr. is so careful to provide against, should happen by disowning the Usurpation, it would produce very good Effects. For,

1. Such a general Disorder would disappoint the Revolters of the Advantage they designed. Now, if their Expectations were always baulked, this would be a mighty Check to Faction and Ambition, and we should seldom see any Wickedness of this nature attempted. If Men had no Prospect of building up another Government in the room of that which they pull down, nor any hopes of thriving by their Rebellion, the World would not be plagued with Incendiaries and Traytors so often as it is. If Confusion, and a kind of Civil Chaos, was the necessary Consequence of a Defection; and there was no likelihood an Usurpation should ever settle into any Order and Consistency; there would seldom be Madmen enough in a Nation to overturn the Constitution; for the worst of People don't love Danger for Danger's sake: 'Tis true, they have no regard to Conscience, but they have a tender sense of every thing which is offensive to their Ease, and prejudicial to their Temporal Concerns, and will no more do an ill Action than a good one, when it looks so frightfully upon them, and is apparently against their Interest.

2^{dly}. When an Usurpation is actually on foot, the best Expedient to re-establish the dispossessed Prince, is, to let the State fall into Disorder; for, if the Illegal Powers were generally disowned, if their Commissions were refused, their pretended Courts neglected, and the places of Government unsupplied; if all things were thus disjointed and out of frame, it would introduce an Happy Change, and Justice would soon recover her Jurisdiction. The making a Lawful Government essential to the Peace and Being of Society, will mightily refresh the Allegiance of the People, recommend the Doctrines of Loyalty, and encline the Subjects to return immediately to their Duty: If for no other reason, yet because they see they cannot live tole-

tolerably without it : And when the Majority of a Nation agree in a Desire, they are seldom long before they are Masters of their Wishes. In short, whatever Maxims render an Illegal Possessor unacceptable ; whatever shocks the general Security, and throws the State into Convulsions, must by consequence promote the Recovery of the Lawful Prince ; whereas a Principle of Latitude, which contrives an Usurpation regular and easy, is the way to fix it, and to make the Subject acquiesce, and grow indifferent, whether the Title is good or bad ; for many People are too much governed by Secular Regards, and don't love their Concerns should be ruffled, and their Pleasures interrupted for the best Cause whatever.

3dly. A general Disorder would effectually discover the Wickedness and Danger of an Usurpation, and create a proportionable Aversion. Such Confusions would make men abhor the Thoughts of Disloyalty, and start from it as from an Apparition. They would go with the same Forwardness and Concern to suppress a Rebellion, as they would to put out a Fire, or stop a Sea-Breach : A Rebel then would be looked on as a Monster of Mankind, and hooted from Conversation and Day. Now, such Apprehensions as these must contribute very much to the Establishment of Justice, and the Peace of Society : And though the Disowning an Illegal Power might possibly for a little time dissolve a State into its first Principles, yet, like Ore, it would improve by melting, and be refined into a more shining and solid Body. This would prevent the frequent Returns of Usurpations, and make them much more impracticable and uncommon.

Now, the design of Government is, to provide for the general Advantage of Mankind ; and that State is best contrived which is liable to fewest Miscarriages ; and therefore it's a Maxim with us, That *the Law will rather suffer a Mistake than an Inconvenience* ; i. e. It's much better for a Kingdom to have particular Persons, or Times, exposed to Hazard and Misfortune, than to be made up of Principles of Ruin, and have *Mala stamina* in its Constitution. And though the Justice and Regularity of the Mobile are no desirable things, yet a Civil War,

War, raised by Rebellion, is a more terrible and lasting Evil, and occasions more Bloodshed and Desolation.

Farther. It's not amiss to ask upon whose account the Appearance of Government is to be secured under an Usurpation? Would the Dr. have all this Care taken for the sake of Revolters? Must the Laws be broken, and Justice be banished, that People may live at ease in their Sins, and enjoy the Advantages of Rebellion? Must they not be disturbed, lest they should repent and be saved, and for fear Honest Men should have their own again? If this be the Dr's aim, he seems Indulgent to an Excess; for Government was never intended to be a Protection for Wickedness: And as Revolters don't deserve that Affairs should be put into this easie posture, so those who are truly Loyal don't desire it. They know it's their Duty, and the main design of their Allegiance, to stand by their Prince, when he is under a Disadvantage: They are willing to be governed by those Maxims by which the Crown may be most effectually served; which promote the most comprehensive and lasting Interest of Government, and tend to the Support of Justice. They know it's decent and reasonable the Subjects should suffer under a Rebellion, as well as the Prince. Besides, since, as I have proved, Allegiance is due to the King out of Possession, and the Subjects are bound to assist him in the Field upon demand, it follows by parity of Reason, that they are bound to run the same Hazards any other way, rather than renounce their Sovereign; for the same Allegiance which obliges them to venture their Lives in the Field, does likewise oblige them to stand the shock of the *Mob*, or of a more settled Usurpation. The Pretences of Hazard and Disadvantage are uncreditable and unjustifiable Motives to desert the Crown, and ought to be over-ruled by Decency and Duty. It would be counted an odd Remonstrance, if an Army, upon their being ordered to fight the Enemy, should tell their General, "That his Orders and Interest was to give place to the Security of his Troops: "That the design of their being listed, was only to be disciplin'd, and receive their Pay; but as for Fighting, there "was a great deal of danger in that. They knew well enough, "that

“ that a Battel could not be managed without some-bodies
 “ coming short home : And since Death would certainly light
 “ somewhere, it was every Person's Concern to avoid it : For
 “ their parts, they were an *innocent and conscientious* Army, and Alleg. p. 44.
 “ therefore it's very unreasonable to press them to lose their
 “ Lives and their Baggage, upon the account of any Cause or
 “ Engagements whatsoever ; for, *it can be no good Principle to*
 “ expose such Honest Men as they are to the greatest Sufferings. Ibid.

Now this is but an untoward Excuse, but would be a very good one, if the Consideration of danger, or the Virtue of the Subject, was sufficient to null the Obligation of Oaths and Allegiance.

These Observations I have set up as Counter-Principles to the Dr's. and must leave it to the Reader to judge, Whether those Principles which discourage Rebellion, and press hardest upon Usurpation ; which assure the Fidelity of the Subject upon all Emergencies, and create a good Understanding between Prince and People, do not *Answer all the Ends of Government*, better than those other Doctrines, which assert the *Divine Authority of Power* ; that *different Degrees of Submission are to be paid* Alleg. p. 15.
 proportionably to the Growth and Success of an Usurpation ; That the *Oath of Allegiance is a National Oath*, and that the Minor Part may be absolved by the Majority : And that the *Preservation of Societies*, though they are no better than that of *Romulus*, is the *great Law of all*. p. 17.
 p. 31.

Now one would think it required no great depth of Understanding, to determine the Case ; a Moderate Proportion of Unbiassed Reason will inform us, That those Principles which have the fore-mentioned Advantages, which promote the Improvement of Humane Nature, which oblige us to Good Faith, and Gratitude ; and give Life to Generosity and Honour, are much to be prefer'd to others, (in point of Security) which have a quite contrary Effect. p. 41.

The Dr. observes, That *Self-preservation is as much a Law to the Subjects, as to the Prince* ; (he means the Subjects have the same Privilege by it) and *He is as much Sworn to Govern his Subjects, as they are to Obey him* : And if the *Necessities of Self-preservation* absolve Him from his Oath of Governing his People, the Alleg. p. 42.

the Dr. desires to know why the same Necessity will not absolve Subjects from their Oaths to their Prince.

Now I think, this Question is easily Answer'd: For Self-preservation is allowable, where the Means are Lawful, and not otherwise. Now there is no Law which bars a Prince from Visiting a Foreign Country, or from Travelling from one part of his Dominions to another. The Coronation-Oath does not bind Him to Impossibilities, nor oblige him to Govern those who bid him Defiance, and will not be Govern'd. It's none of the Duties of a King to fight whole Armies singly, or to stay amongst his Rebellious Subjects, to be Outraged in his Person and Honour. But on the other hand, it's not impossible for Subjects to stand off from an Usurpation, and to reserve themselves for their dispossessed Prince; and that their Natural and Sworn Allegiance obliges them so to do, has been proved already. It's in vain therefore to insist upon the Plea of Danger, when we are under these Solemn Pre-engagements: If self-preservation will absolve us from our Oaths, and justify our Breach of Faith, we may excuse any other Apostacy upon the same Score.

Ibid.

But *Government and Allegiance*, it seems, are such Relatives, That the one cannot subsist without the other; if the Prince cannot Govern, the Subjects can't Obey, and therefore, as far as he quits his Government, he quits their Allegiance.

Alleg. p. 33

The Dr. talks of *quitting the Government*, as if there had been a Resignation in the Case, and the Subject had been discharged under Hand and Seal. Now certainly there is a great difference between the King's throwing up the Government, and the Peoples throwing up their King. Yes, the Dr. grants he may, notwithstanding his dispossession, have a *Legal Right to Allegiance*, and the *Crown*; and from whom is this Right due? From the People; then sure they ought to give it him, and by Consequence the Relation continues. No such Matter, says our Author, the *Subjects can't pay him their Allegiance, without his being Restored*. Let them stay then till they can; If a Man owes a Sum of Money, and can't pay it at the day, is this either a Legal, or an Equitable Discharge of the Debt? Is there any Reason the Creditor should forfeit, for the Insufficiency or Knavery

Knavery of the Debtors? An Honest Man, if he can't give full Satisfaction at present, is willing to pay as far as he is able: Above all things he will avoid assigning over his Estate into such Hands, which he knows will not only defraud the Right Owner, but employ his Money against Him. The Dr. both here, and in his Vindication, goes upon the Old Mistake, *Vind. p. 38.* That meer *Actual Dominion*, and *Sovereign Power* make a King, and compleat the Royal Part of the *Relation*: But this is begging the Question, as the Dr. seems sensible, by the Objection he raises in his Adversary's behalf, which with a little improvement, will contain an Answer to what he has further urged. It is to this purpose: The Relation between King and Subject must continue as long as the *fundamentum relationis*, or, the *Ground of the Relation* continues; which Ground being built upon Legal Right, while this Right remains, the dispossessed Prince is still King, and the Subjects owe him their former Allegiance. And what has the Dr. to say to all this? Truly as little as a man would desire. He tells you, That a *Legal Hereditary Right* is not the *Fundamentum Relationis*, the *Foundation of that Relation* which is between Prince and Subjects; for then there would be no Foundation for such a Relation in any but Hereditary Kingdoms, which is a mistake. *Vind. p. 39.*

But, pray who says Hereditary Right is the only Ground of the Relation between King and Subject? The Dr's Adversaries affirm no such thing; they say, That this *Relation* is founded upon *Right* in general, according to the nature of the Constitution; in Hereditary Kingdoms, upon Hereditary Right; in Elective Kingdoms, upon Elective Right; and where the Person is nominated by God, the Ground of this Relation is a Right from Revelation. Neither do these different Foundations, as the Dr. calls them, (which are nothing but diversify'd Right) affect the Authority consequent upon them; the different ways of acquiring Sovereignty, does not work any change upon the Royal Prerogatives, nor hinder the *Relation* between King and Subjects from being the same. *Ibid.*

The Dr. foresaw it would be objected, That an *immoveable and unalterable Allegiance* is the best Principle to prevent all *Revolutions*, and to secure the Peace of Human Societies; as, I think, has been made good already. Now, his Answer to this Ob-

T jection

Alleg. p. 44.

jection is (were the Subject less important) entertaining enough. For (says he) if this Principle would prevent all Revolutions, it's a Demonstration against it, that it's a bad Principle, a meer Human Invention, which cannot come from God. It seems then we are all ruined, if we have nothing but Peace and Quietness amongst us. If there is not care taken for the Returns of Rebellion, to destroy and debauch Mankind, the World in a little time would be insufferably over-stocked with Honesty and Numbers. I will say that for the Dr. he has provided against this Inconvenience as well as any Author living. But in earnest, Can't God remove and set up Kings, unless the Sins of the People help Him; nor exercise His Sovereign Prerogative, without damning His Creatures? I hope I have made it appear, That a Being of infinite Perfections has no necessity to take such measures, or make use of such Instruments as these: I wish those Principles which imply such Consequences as these, and several others of the same extraordinary Tendency, are not something worse than a meer Human Invention. The Dr. urges farther, against the Sufficiency of this immoveably-loyal Principle, That it has not Force enough to attain its End; and though it was too strong in the last Objection, yet now, it seems, it's grown too weak; for it cannot prevent the Revolutions of Government, for there have been such Revolutions in all Ages. And what follows? Are such Revolutions occasion'd by those Principles which condemn them? Or, by the People, who desert or break in upon their Principles? Don't Men frequently ruine their Health and their Fortunes, and make themselves miserable, by their Vices? And ought we therefore to conclude, that God's Laws, which provide against these Mischiefs, are either defective or unreasonable? I suppose not.

Ibid.

Ibid.

But, Those Principles which expose the most Innocent and Conscientious Men to the greatest Sufferings, without serving any good end by them, cannot be True. And, Is not the Maintenance of Right and the Defence of the Constitution, the Tryal of Integrity, and the giving a noble Example, a very good End? I'm sorry if the Dr. does not think it's worth a Man's while to suffer upon these Accounts: What he subjoins, That its no true Principle which obliges honest men to lose their Lives in opposition to the Govern-

vernment; is a Misrepresentation of the Case; for Non-compliance with an Usurpation is no Opposition to the Government; for there can be no Government without Authority, nor any Authority without Right; but Right and Usurpation are Contradictions in Terms. Farther: To oppose the Government, is to oppose the Laws of the Government, which cannot be done by adhering to a Lawful Prince, without destroying the very Supposition, unless *opposing* and *defending* are the same thing. But if the Dr. or any body else, should mean in general, That a Principle which obliges Honest Men to lose their Lives, &c. is not True, then by the same reason, Christianity is false; for a great many Honest men have lost their Lives by suffering for this Religion, and were obliged by their Principles so to do. Now, we are as much bound to the performance of Justice, and the other Duties of the Second Table, as to defend the Articles of our Creed: Nay, the latter were revealed on purpose to enforce the Practice of the former, to teach us *to live soberly, righteously, and godly in this present World, and to make us a peculiar People, zealous of good Works.* What he mentions concerning the Scripture, has been considered above. At last the Dr. is pleased to own, That we must *chuse* rather to suffer than to sin; but then we must be very sure, that it is our Duty, that it is expressly enjoined us by the Laws of God or Nature, before we venture to suffer for it. What if it is enjoined us by undeniable Consequence, is not that sufficient without a plain Text? I perceive the Dr. is resolved to be a favourable Casuist. Farther. I would gladly know what the Dr. means by *being expressly enjoined by the Laws of Nature*: Has the Dr. any of Nature's Volumes by him? I confess, I thought Nature's Laws had been written upon the Minds of Men, and never heard that her Works were Books, till now. But to end this Dispute, the Dr. may please to take notice, that whatever is expressly enjoined us by the Laws of the Land, (provided the Matter of it is not sinful) is likewise enjoined us by the Laws of God and Nature; for we are bound by the Laws of God and Nature to obey the Constitution. The Dr.'s Harangue, in his next Paragraph, upon the *Being of Societies, and the Safety and Preservation of Subjects*, has been answered already.

Tit. 2. 12, 14.

Aleg. p. 45.

T. 2. I shall

Alleg. p. 46.

1 Tim. 5. 8.

Vind. p. 66.

Vind. p. 13.

I shall now proceed to examine the Answer he gives to the famous Instance of the Loyal Nobility, &c. during the Exile of King Charles the Second, who thought themselves bound in Conscience to oppose that Usurpation, at their utmost peril. This the Dr. calls a great Prejudice, but no Argument: For, if his Principles are true, they might have complied with those Usurpations. Might they so? Then doubtless those brave Persons, who chose rather to lose their Estates and their Lives, than own that pretended Authority, were worse than Infidels in St. Paul's Sense, and guilty of Self-Murder, because they did not provide for their Families, nor preserve their Lives, when it was lawful for them to do it. The Comparison the Dr. draws from the two Revolutions of 48 and 88, and his Inferences from them, are, I think, the slenderest Performance in his whole Book, and in which he has given an Adversary the plainest Advantage. The Dr. himself seems very sensible, that this part of the Argument had no good Colouring, and therefore has touched it over again in his Vindication; where he tells us, That they are two very different Questions, When it's Lawful to submit to Usurping Powers; and, When it becomes a Duty to do it? It's Lawful to submit when we are under such a Force as can compel us; it's our Duty to submit when the Government is Thoroughly Settled. In answer to this, I shall endeavour to prove,

1. That if it was Lawful for the Nobility, Gentry, &c. to submit to the Commonwealth and Cromwel, it was their Duty so to do. And,

2. That by the Dr's Principles they were obliged to submit to this Usurpation.

1. If it was Lawful for them to submit to the Commonwealth, &c. it was their Duty so to do. For,

First, As I have proved above, Subjects must own some Authority or other, and are not allowed to live independently of all Government. This Proposition may likewise be made good, from the Dr's Principles; for he elsewhere asserts, That Subjects, when their Government is violently changed, are at liberty to submit to the new Government; for Force will justify Submission. Now, though this Principle is untrue, and rank Hobbism; yet since the Dr. will have it, he must stand by the Consequences.

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I argue, therefore, That if Force or Conquest cancels the Subjects Obligation to the vanquished Prince ; then they must always become the Property of Victory, and be immediately passed into the Hands of a new Master ; for all Advantages of Conquest ought to accrue to the Conqueror. In a word, Either Conquest transferrs Allegiance, or not : If it does not, it's not Lawful for the Subjects to comply with a new Government, because their former Obligations are still in force : If it does, it must transferr it to the Conqueror, and then it follows, that the People are not at Liberty to submit, or not, at their pleasure.

Secondly, The Dr's Argument for his Opinion is very surprizing ; for, What is the reason the Subjects are thus turned loose, and enfranchized from all Service and Authority on the sudden ? Has the Prince Resigned or given a Discharge under the *Broad Seal* ? Or, does the nature of Subjection leave them at Discretion, and bind no longer than they see convenient ? Not so neither. Whence comes it to pass then they are so perfectly *sui juris*, without a Release ? Why, its Force and Irresistible Power, which puts them into this Masterless condition ; its Necessity, it seems, which has enlarged their Freedom ; if they had not been conquered, they must have been Slaves to their old Master for ever : But now, since they are fallen into the Enemies hands, and the Sword's point is at their Throat, they may do what they list, and are as Independent on all Mankind as *Adam*. I confess this is a wonderful Privilege, and as wonderfully proved.

Thirdly, If upon a Revolution, the People have the Liberty to submit, or not to submit, then if they should all insist upon their Privilege, and cry out for a *state of Nature*, we must dissolve into a *Mob*, (which the Dr. won't allow) and which is worse, all Government must be lost, only for the Peoples humour.

Fourthly, By Submission in this Case, we must understand an Acknowledgment of the Right of the Power we submit to. If the Dr. takes the word in any other sence, he does but play with it. Now, if the Loyal Party might submit to *Cromwel's* Common-wealth in this sence, they must own their Government : But all Government supposes Authority, which the Common-

mon-wealth could not have, by the Dr's Principles, unless they had either a Legal or a Divine Right, to ground it upon: A Legal Right they had not by the Supposition, therefore it must be a Divine one. Now, if they had a Divine Right, and acted upon God's Authority, the People were undoubtedly under an Obligation to obey them, and had not the Liberty to comply or stand off, as they thought fit.

Vind. p. 65.

Fifthly, The Dr. affirms, That neither the *Doctrine* of our Church, nor the *Laws* of the Land, pronounce it absolutely unlawful to submit to a Prince (an Usurper) possessed of the Throne. 'Tis true, both these Propositions are great Mistakes; as I have shewn from the Laws, and from the Convocation-Book: And as to the Doctrine of the Church, the Reader may have farther satisfaction; if he pleases, from the *History of Passive Obedience*. However, since the Dr. maintains the contrary, I shall argue from his own Tenents against him; That if neither the Constitution of the Church or State suppose it unlawful to submit to an Usurper in Possession, then we are under an Obligation to submit, rather than disoblige our Interest by Non-compliance: For the Dr. is sure the *Scripture teaches us, to suffer patiently in Obedience to Government*, but not to suffer in Opposition to it.

Alleg. p. 44.

And for fear we should use our selves too hardly, he tells us, *Before we expose our selves to Suffering, we must be very sure that it is our Duty, that it is expressly enjoyned us by the Laws of God and Nature, before we venture to suffer for it*. But its impossible the Loyal Party could have any of this Assurance for suffering under Cromwel, if, as the Dr. affirms, neither the Laws of Religion, nor of the Land, declare it unlawful to submit to an Usurpation. And therefore I think the *Great Body of the Nobility, Gentry, and Clergy*, have reason to take it ill from the Dr. for making their Forefathers a Company of Mad-men, who, notwithstanding they had all imaginable Authority and Obligation from Human and Divine Laws, to acquiesce, and consult their own Safety; yet out of a *Romantick* Notion of Loyalty, chose rather to hazard their Souls, and Bodies, and Estates, than submit to the *Determinations of God Almighty*, who is always supposed to set up a Governour when by His Providence He puts the Sovereign Power into his Hands.

Id. p. 45.

Alleg. p. 12.

2. By the Dr's Principles, it was not only Lawful to submit to *Cromwel's* Usurpation, but the People were directly obliged to it. For,

1. It's well known, that the Common-wealth of *Cromwel* were absolute Masters of the Three Kingdoms, and entirely possessed of the Government. Now, the Dr. has solemnly told us, That since Power will Govern, God so orders it by his Providence, as never to intrust Sovereign Power in any Man's Hands, to whom he does not give the Sovereign Authority. This Usurpation therefore having Sovereign Power, in an high and irresistible degree, could not be disowned without rejecting God's Authority, which certainly no man can have any Privilege to dispute. Id. p. 15.

2. The Dr. expressly avers, That the Preservation of Human Societies does of necessity force us to own the Authority even of Usurped Powers. And if we are under a necessity of owning their Authority, one would think we could not have the liberty to refuse them. Id. p. 41.

3. The Dr. observes, That our Saviour's Argument for paying Tribute, relies wholly on the possession of Power, (without any mention of Consent) and inferrs from thence, That if this be a good Reason, it's good in all other cases; that we must submit to all Princes who are possessed of the Sovereign Power, and are in full Administration of Government. And can the Dr. deny these Advantages to the Usurpers upon K. Charles II? No: There was not so much as the least Garrison which held out against them. And as for the Administring part, all Affairs, Civil, Military, and Ecclesiastical, were managed solely by their direction. Id. p. 21.

4. If we were unprovided of other Proofs, a few Questions in the Dr's words would decide the Controversie. I desire to know therefore, Whether God Rules in a Kingdom while an Usurper fills the Throne. Particularly, did God Govern in England, Scotland, &c. from 1648, to 1660? If He did, who was it He governed by? Not by K. Charles II. for he was dispossessed: It must therefore be by the Common-wealth and *Cromwel*, to whom the Government was disposed by God's own Will and Counsel: For, to allow no more than a Divine Permission, is, in the Vind. p. 59.

Ibid.

Vind. p. 67.

Ibid.

the Dr's Opinion a great Error: For, *Will any man say, That God Governs such a Kingdom, as is not governed by His Authority and Ministers? Does Providence and Government signifie only His Permission? — To resolve Providence into a bare Permission, especially in matters of such a vast consequence as the disposal of Crowns, is to deny God's Government of the World.* Now, if Cromwel, &c. did not Rule these Kingdoms barely by the Permission of Providence, but had God's positive Authority, and bore the Character of his Ministers, then their Right was unquestionable, and their Persons sacred, and it was great Wickedness to resist or disobey them. And since the Dr. has laid down such Notions as these, concerning Providence, and given such Prerogatives to Power, it's too late for him to recall his Liberality to the Rump and Cromwel, he must not think of unsettling them again, for want of a *National Consent*, unless he has a mind to recant the Main of both his Books: For, if they had God's Authority on their side, the People, whether willing or not, were bound in Conscience to obey them. However, I shall briefly consider what the Dr. offers to disprove the Settlement of the fore-mentioned Usurpation.

He tells us, *The Convocation all ages two ways whereby a Government, unjustly and wickedly begun, may be thoroughly settled, viz. By a general Submission, or by Continuance.* I have proved above, That the Convocation does not take Settlement in his Sence; and that he has no reason to make use of their Authority for illegal Proceedings: But, granting his own Supposition, I can't perceive what Service it can do him; for, if *General Submission* or *Continuance*, without Legal Right, are either of them sufficient to compleat the Notion of Settlement, it will be difficult to find an Objection against the Rump's and Cromwel's Authority. For,

1. As for Continuance the Rump held the Government from 1648, to 1653; and Cromwel was the Supreme Power from 53 to 58: And if Five Years of Sovereign and Uncontested Power is not sufficient to make a *Through Settlement*, I doubt the Dr. has been too quick in his late Compliyance. But,

2dly. Though after a Continuance of this length, the Rump and Cromwel, by the Dr's Principles, had no need of any *National*

nal Consent and Submission, to perfect their *Settlement*; yet it does not appear, that the Dr. has disproved their Title so much as in this point. As for *Submission*, it was generally paid them. There was not so much as the Face of an Enemy in the Field: Their Courts were frequented, their Coin was current, and their Authority undisputed in all Posts of Government; but there was no *National Consent*, because the greatest part of the Representatives were slung out of the House, excepting a few *Rumpers*. Vind. p. 67.

1. How does the Dr. know, but that the *Rumpers* had a *National Consent* for secluding these Members? The Consent of Silence and Submission they certainly had; for the Nation neither offer'd to restore these Members by Force, nor shewed any publick Dislike of their being expelled.

2dly. Does the Dr. think there can be no *National Consent* testified any other way, than by the Peoples chusing a few Men from Towns and Countries to represent them. If the matter stands thus, the Four Monarchies had no *National Consent*, nor any *Through Settlement*; for there was no such things as Parliaments in those Times and Countries. But, before we take leave of these *Rumpers*, the Dr. may remember, that they were summoned by the King's Writs, and had his Royal Assent to sit as long as they pleased: If some People had such a Colour of Authority, they would flourish with it at no ordinary rate.

3dly. The Dr. objects against *Cromwel's Parliaments*, That they had no *National Consent*, &c. because they were not chosen according to the *Ancient Customs and Usages of the Nation*. Some People will not be sorry to hear, that a *National Consent* cannot be given by Representation, unless the Representatives are legally chosen, and the *Ancient Customs* of the Constitution observ'd. I wonder how this Reason dropped from the Dr. for it overthrows the design of his Books, and puts him upon a Necessity of proving the Legality of the present *Establishment*. He urges farther, That these pretended Parliaments, under *Cromwel*, were not the Representatives of the Nation, but of a prevailing Party. If they were elected by a prevailing Party, it's a sign they represented the Majority. And if the Dr. will not be satisfied, unless every individual Person agrees to an Election, he is not likely to see a *National Consent* in haste. Well:

Ibid.

Ibid.

Vind. p. 69.

But some part of Cromwel's second Parliament published a Remonstrance, for being denied Admittance: So did the Parliament in the beginning of the Civil Wars, publish several Remonstrances, of an higher nature against the Government of K. Charles the First. And yet, I suppose, the Dr. will allow, that these Oppositions did not unsettle his Authority, nor discharge his Subjects from their Allegiance. And thus I have proved, that the Rump and Cromwel had as fair an Authority, and as *Through a Settlement*, in all points, as the Dr's Principles require.

Alleg. p. 46.

As to the Villanies of those days, which the Dr. insists upon, they don't in the least affect the Obligation of the Subject; for, granting the Dr's Revolution was more agreeable than that of 48. Yet since, by the Dr's reasoning, the one had God's Authority as much as the other, it ought to have been equally submitted to; for, in such a case, no Rigour of Administration can discharge the People from their Obedience. The Dr's Remark upon the Bishops being turned out, and the Alienation of their Revenues under Cromwel, is not calculated for the whole Island. He forgot, I conceive, the flourishing Condition of the present Church of Scotland, when he drew up this part of the Parallel,

Ibid.

— Jam proximus ardet Ucalegon.

But this Dispute being not material to the Argument, I shall insist upon it no farther.

Alleg. p. 48.

What the Dr. mentions concerning Antiochus's Right to the Government of Judea, has been considered. However the Dr. has something remarkable in this Paragraph, which must not be overlooked, viz. Though Force requires a long Continuance to settle a Government, yet a National Consent settles a Government in a short time. Thus the Submission of Jaddus, and the governing part of the Nation, to Alexander, settled his Government in a few days.

The Case of Alexander and Jaddus has been argued above, and needs not be repeated. I might likewise observe, that Consent, how general soever, without Authority, signifies nothing, as has been made good already, and shall be farther confirmed by and by; but at present, I shall grant the Dr. his Assertion, and draw an Inference from it against him. For, supposing a National Consent will settle a Government in a few days, then

Ab.

Absolom's Government was sufficiently settled, and all the People of *Israel* were Bound in Conscience to obey him; and which is more, they were bound to fight his Father *David*, (who had taken Arms against *Absolom*.) the reason is, Because, as the Dr. affirms, God's Authority is always to be preferr'd to Legal Right, and the Subjects can't be bound to Two Opposite Allegiances. That *Absolom* was sufficiently possessed of the Kingdom, will appear by comparing his Circumstances and *David's* together. Alleg. p. 14.

Now *David's* Condition was so low, that he was forced to quit his Capital City *Jerusalem*, and encamp in the Fields and Desarts, with not many more than 600 of his Guards, as Sir *Walter Raleigh* observes; from thence he retires over *Jordan*, and leaves *Absolom* Master of more than Nine Tribes and an half of the Twelve; and not thinking himself secure at this distance, he continues his Retreat to *Mahanaim*, which was upon the Borders of his Kingdom, towards *Amon*. Hither *Absolom* pursues him, and encamps near *Gilead*, which was a Frontier Town, as we may learn from *Josephus*. Nay, he is said to have abdicated all his Dominions, and to have fled out of the Land for *Absolom*. That *David* was very weak, and unlikely to recover, appears by *Shimei's* throwing stones and cursing him at the Head of his Troops. Besides, 12000 Men, after he had reinforced himself, were enough to have beaten him; as is plainly intimated in the Scripture. We have likewise reason to conclude that Number was sufficient for this purpose, by *Achitophel's* Proposal, who was too wise a man to have ventured his Person and Fortunes with so small a Body, unless he had been morally assured of Success. And therefore *Josephus* tells us, That *Hushai* understood that *David* might have been easily destroyed this way which *Achitophel* proposed; which was the reason he gave contrary Advice. The same Author informs us, That *David* had but 4000 Men, notwithstanding by *Hushai's* dexterity he had time given him to raise them: Which was a poor Remnant in a Kingdom which was able to muster 130000 fighting men. 2 Sam. 15. 14. Raleigh. Hist. &c. p. 251. 2 Sam. 17. 26. Ant. Jud. l. 7. c. 9. 2 Sam. 19. 9. 2 Sam. 16. 5, 6. 2 Sam. 17. 14. Ant. Jud. l. 7. c. 9. Joseph. ibid. 2 Sam. 24. 9.

Lastly. To shew how lamentably King *David*, though a man after God's own Heart, was deserted by his Subjects; we may observe,

observe, that this small Army consisted in a great measure of Foreigners. The *Gittites*, who marched with him, were certainly Citizens of *Guth*; as appears from the Scripture, especially from the Translation of the Septuagint. The *Cherethites* and *Peletihites* are likewise supposed to be *Philistines*; which is very probable, since the *Gittites* are mentioned with them. To these we may add the Assistance he received from *Shobi* Son of *Nahash*, formerly King of *Ammon*, who came in to him at *Mahanaim*.

On the other hand, if we take a view of *Abolom's* Affairs, we shall find them as firm and flourishing as can be desired. This made *Hushai* congratulate his Success, and tell him, That the Lord, and all the People, had made choice of him. And who can now deny him the Title of a *Providential Monarch*? If any one suspects *Hushai's* Salutation to be no more than a Piece of Ceremony, the Scripture will convince him of the contrary; for, *Abolom* had every thing but God and Justice on his side; all the Men of *Israel* were at his Command, from *Dan* to *Beer-sheba*, as the *Sand of the Sea* for multitude: He was, as *Josephus* observes, saluted King by unanimous and universal Acclamations: He was anointed by the men of *Israel*; and all the Elders, the Estates and Governing part of the Nation, submitted to him. Here was a *National Consent* with a witness, and by consequence, as good a *Settlement* as the Dr. can demand, unless he will retract his own Definition. How many Months or Years *Abolom* was possessed of this general Submission, is not material to enquire; for the Dr. roundly affirms, that a few days is sufficient to do the business.

The Dr. goes on to the other part of the Comparison, and pretends, that some extraordinary methods taken by the Crown, helped some men easily to absolve themselves from the Obligation of their Oaths. Right: But, under Favour, did they do well or ill in absolving themselves? Why the Dr. won't dispute the Legality of all this, I suppose, for fear of disoblighing our great Patrons of Liberty. Nay, he is so far from condemning such singular Casuists, that he seems to argue in Justification of them; For, They (says he) could not think that Oaths, which were made and imposed for the Preservation of a Protestant Prince, and

2 Sam. 15. 18.

Grot. in 2. 1.

Reg. c. 8. v. 18.

2 Sam. 15. 18.

2 Sam. 17. 27.

2 Sam. 17. 27.

2 Sam. 16. 18.

2 Sam. 17. 11.

Antiq. Jud.

1. 7. c. 8.

2 Sam. 19. 10.

2 Sam. 17. 4.

Alleg. p. 49.

Ibid.

and the Protestant Rights and Liberties of Church and State, could oblige them to defend and maintain a Prince in his Usurpation, as they thought, upon both. The Dr. by his wording it, would almost make an ignorant man believe, that the Protestant Religion was the Supreme Power in England, and that we were Bound to support it in the Field against the King: But those who will take the pains to peruse the Oaths of Allegiance and Supremacy, will see, they oblige us to bear True Faith, &c. to the King, and to defend him and his Heirs and Lawful Successors, without making any Enquiry into their Creed. It was never known, that the Kings of England held their Crowns by the Tenure of Religion: If their Claim had not been wholly founded upon Birthright, and Proximity of Blood, there had been no Pretence for the late Bill of Exclusion. But such Absurdities as these are too gross to deserve any farther Consideration. And since we are indispensably Bound to serve and defend our Prince, without any regard to his Perswasion, it must be a very bad Religion, which teaches us to desert or oppose him. There can't be a greater Reproach cast upon the Reformation, than to make it give Countenance to such horrid and treacherous Practices as these. What our Author means by the Protestant Rights and Liberties of the State, is hard to understand; for the Rights of the State are purely Secular and Civil: He may as well call a Farm a Protestant Farm, as give that Epithete to the Rights of the State; but the word Protestant must be crammed in, otherwise the Charm will not work.

Ibid.

Ibid.

The Dr. once more lays a great stress upon a National Submission and Consent, and makes it necessary to the introducing a Settlement: Now I have shewn, that this Expedient must be altogether unserviceable to our Author upon his own Principles; for if by whatsoever means a Prince, ascends the Throne, he is placed there by God's Authority, of which Power is a certain sign; To what purpose is the Consent of the People required? Have they the Liberty to refuse Submission to God's Authority, when it produces such infallible Credentials, and appears in such a demonstrative manner? Besides, as has been already hinted, his making Submission a necessary Assistant of Power, is not only a Contradiction of himself, but likewise brings a farther

Alleg. p. 50.
51.

Id p. 13, 14.

Alleg. p. 25.

Alleg. p. 50.

Id. p. 50, 51.

7 Jac. I.
30 Car. II.

Ibid.

ther Inconvenience along with it, and makes that Absurdity which he endeavours to throw upon *Hereditary Principles*, return upon his own; for, if God's Authority is not given to any Prince before a *Through Settlement*, and this Settlement cannot be completed without a *National Submission*, then God, as well as men, is confined by *Human Laws* (or by *Human Inclinations*, which is as bad) in making *Kings*; which is to say, that the Right of Government is not derived from God, without the Consent of the People. How the Dr. will disengage, is best known to himself. Farther, I must ask him the old Question over again; Whether this *National Submission* must be Legal or Illegal? If an Illegal Submission will serve his turn, this is no better than plain Force, under the Disguise of a new Name; 'tis a violent Combination against the Laws and Rightful Governour, and resolves it self into the Principles of Power. If the *Submission* ought to be Legal, he must not only prove it such, but be obliged to give up the main design of his Books, and dispute a point which he has declared is nothing to his present purpose. However, I must follow him through all the Windings of his Discourse. He says, *Though some men dispute, whether a Convention of the Estates, not called by the King's Writs, be a Legal Parliament; yet all men must confess they are the Representatives of the Nation, &c.* I suppose, very few People besides the Dr. will dispute, Whether a Convention is a Legal Parliament, or not, if they consider that the King's Writs are necessary to empower the People to make and return Elections. And, supposing they had the advantage of this Preliminary, yet unless the Members take the Oaths of *Allegiance* and *Supremacy*, all their Proceedings are declared null and void, by express Statutes. Now, if a *Convention* is no Legal Assembly, their Deputation from the People signifies nothing; it only makes them the Mouth of publick Disorder and the Illegal Representatives of the Nation. And how the Dr. can oblige them by such a Character, I can't imagin.

But the Nation can have no Representatives but such, when there is no King in the Throne. To make this Argument good, the Dr. should have prov'd, That the Throne is immovably fixed at *Whitehall*; That the King was Legally ejected by his Subjects; That after this Retirement they sent to entreat him

him to return, and promised a more agreeable Behaviour; That upon these Submissions he refused to engage any farther, and resigned up the Government into their Hands: The Dr. should have proved, that all this was either done, or else unnecessary, before he set the Nation a *Representing* at all Adventures. As for his Flourish with the word *Estates*, I question whether it will do him any service; for, Who made them *Estates*? Does their Number and Quality make them such? Then they are Estates in the Intervals of Parliament, in their own Houses, in a Tavern, as well as at other times and places. Does the Choice of the People, though altogether Illegal, give them the advantage of this Character? If so, I would gladly be informed, whether every Riotous Meeting may not furnish out their proportion towards a *Body of Estates*, to be compleated by the general Distracted of the Nation? I perceive, I must enquire farther; I desire therefore the Dr. would tell me, whether the Parliament House has any peculiar Vertue, to raise private Persons into a publick Character? If it has, great care ought to be taken who comes into it. Besides, it's worth the knowing, which way this mysterious Privilege is conveyed. Have we any Legislative Brick and Stone? Or, does the House work by way of Steams and Exhalations, as the Oracle at Delphos is said to have done? The Dr. I perceive, does not trouble himself with these Scruples, but is resolved to go on with his *Submissions*, &c. and tells us, That the Consent and Submission of the Convention, especially when confirmed by subsequent Parliaments, is a National act.

Plut. de Des.
Orac.

Alleg. p. 51.

Therefore I must ask him a few more Questions, How a Convention can sublimate it self into a Parliament; i. e. How a private and illegal Assembly can give it self the Privilege of Authority and Law? Now, a National Act, without and against the Authority of the Constitution, is, to speak softly, no better than a National Disorder: But, the Generality of the Kingdom have willingly and cheerfully submitted. So much the worse; unless they had the Liberty to do so. What if they should willingly submit to the setting up the *Alcoran*? What if they have an Inclination to Murther, or Adultery, does the Universality of the Consent make such Practices innocent

Alleg.

Ibid.

cent and warrantable? Does not the Dr. know, the Generality have frequently a mind to do those things which they ought not, and will he thence infer, that we *must* follow a *Multitude to do evil*? Well! but *they have Bound their (new) Allegiance by Oath*. If they have, can they not keep it as well as they did their former one? However, by the way, it's not amiss to consider, whether Oaths are powerful enough to transferr Titles, without the Owner's Consent, and to alter the Seat of Authority? Whether a man can swear away another's Right without asking his Leave? If he can, Justice and Property are very precarious, uncertain things, and not worth the regarding.

I should now have proceeded to a more particular Examination of the Law-part of his Book, but having considered his most Material Objections from that Topick already, I suppose it needless to dispute this Branch of the Controversie any farther.

I shall therefore take Leave of the Dr. And, if he thinks I have used him with too little Ceremony, I desire he would remember the Unnecessary Provocations he has given; and when he considers how freely he has Reflected, Censured, Challenged, and Contemned, he will have no reason to be disoblighd with his Brethren, for an abatement of their Esteem. However, after all, I have no manner of Quarrel to the Dr's Person; but to his new Principles I am, and ever hope to be, an Enemy.

THE END.

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